

A HISTORY OF
THE AMERICAN PEOPLE

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A HISTORY OF THE AMERICAN
PEOPLE

A HISTORY OF THE AMERICAN PEOPLE

BY

FRANCIS NEWTON THORPE

AUTHOR OF "THE CONSTITUTIONAL HISTORY OF THE UNITED STATES, 1765-1895,"

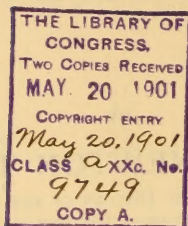
"A (STATE) CONSTITUTIONAL HISTORY OF THE AMERICAN
PEOPLE, 1776-1850," ETC., ETC.



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TO
MARION HAYWOOD
AND
MARION EDGERTON THORPE

I have no expectation that any man will read history aright who thinks that what was done in a remote age, by men whose names have resounded far, has any deeper sense than what he is doing to-day.—EMERSON.

You will have to look back upon a century of national advancement without a parallel in history, and to look forward to its probable continuance upon a still larger scale, with an accumulation of high duties and responsibilities proportioned to an ever-growing power.—GLADSTONE (Letter to the Centennial Commission, July 20, 1887).

CONTENTS

| CHAPTER | PAGE |
|---|------|
| I THE INDIANS | 1 |
| II THE DISCOVERY OF AMERICA | 9 |
| III THE SPANISH CONQUEST | 20 |
| IV FRENCH COLONIZATION | 25 |
| V VIRGINIA | 30 |
| VI NEW YORK | 47 |
| VII THE NEW ENGLAND COLONIES | 56 |
| VIII NEW JERSEY, PENNSYLVANIA, AND DELAWARE | 83 |
| IX MARYLAND, THE CAROLINAS, GEORGIA | 92 |
| X ENGLAND AND FRANCE AT WAR FOR THE CONTINENT | 105 |
| XI WHO SHALL TAX AMERICA? | 125 |
| XII COLONIAL DAYS | 141 |
| XIII INDEPENDENCE DECLARED | 159 |
| XIV THE FOUNDING OF THE REPUBLIC | 168 |
| XV THE WAR FOR INDEPENDENCE | 203 |
| XVI THE LEAGUE OF STATES | 222 |
| XVII A MORE PERFECT UNION NECESSARY | 255 |
| XVIII THE CONSTITUTION | 283 |
| XIX THE RISE OF PARTY GOVERNMENT | 290 |
| XX NEUTRALITY AND UNION | 297 |
| XXI THE FALL OF THE FEDERALIST PARTY | 304 |
| XXII THE WAYS OF THE NEW NATION | 311 |
| XXIII THE RUIN OF AMERICAN COMMERCE | 328 |
| XXIV THE SECOND WAR FOR INDEPENDENCE | 339 |

| | | |
|---------|--|-----|
| XXV | THE POLITICAL INTERREGNUM | 345 |
| XXVI | IN THE YOUTH OF THE REPUBLIC | 353 |
| XXVII | IN THE DAYS OF JACKSON AND VAN BUREN | 369 |
| XXVIII | THE ASPIRATION OF THE WHIGS | 378 |
| XXIX | SLAVERY AGITATION | 388 |
| XXX | STATE SOVEREIGNTY | 405 |
| XXXI | THE STATES BEFORE THE CIVIL WAR | 417 |
| XXXII | MEN AND MANNERS BEFORE THE WAR | 425 |
| XXXIII | THE CIVIL WAR | 441 |
| XXXIV | RECONSTRUCTION | 467 |
| XXXV | THE STATES AFTER THE CIVIL WAR | 482 |
| XXXVI | INDUSTRIAL AND TERRITORIAL EXPANSION | 497 |
| XXXVII | THE STRUGGLE FOR THE RIGHT TO VOTE | 527 |
| XXXVIII | THE HUNDRED YEARS' MIGRATION | 555 |
| XXXIX | AMERICA IN OUR OWN TIMES | 569 |
| <hr/> | | |
| | INDEX | 613 |

LIST OF MAPS

| | FACING PAGE |
|--|-------------|
| LOCATION OF INDIAN TRIBES | 3 |
| BRITISH COLONIES AT THE OUTBREAK OF THE REVOLUTION, 1775 | 125 |
| THE UNITED STATES, SHOWING EXTENT OF THE SOUTHERN CONFEDERACY | 445 |
| THE UNITED STATES, SHOWING ACQUISITION OF TERRITORY, 1783 TO 1897 | 497 |
| THE PHILIPPINE ISLANDS | 523 |
| THE WORLD, SHOWING UNITED STATES AND ITS POSSES- SIONS, 1900 | 593 |

PREFACE

Since the American Revolution, the terms "America" and "American" have acquired a specific significance. They apply to the United States of America and its people; but the use of the words in this sense has been more common in trade and travel than in literature. There are half a dozen "United States" in the western world: two in North and four in South America. The words are rarely heard in association with Mexico or Brazil, yet they form a part of the official name of these republics.

Our own history, as a nation, shows a distinct line of cleavage in the use of the two words "United States." Is our Union to be understood as consisting of the united States, or of the United States? We all agree on the use of the words "of America."

In using the one word "America" as the national name, and the word "American" as the name of the people who compose the nation, I am but following most illustrious precedents. It is sufficient to cite one: "The name American, which belongs to you in your national capacity," wrote Washington, in 1796, in his Farewell Address, "must always exalt the just pride of patriotism, more than any appellation derived from local discriminations." These words, written at the close of the eighteenth century, were in truth a prophecy of our history. At the opening of the twentieth century it is no longer doubtful that the "local discriminations" implied in the term "United States," as variously interpreted in the administration of our affairs, have caused us sorrow as a people. The national significance of our title as a people was not

clear until the nineteenth century had entered its last quarter.

It is well, therefore, to use the oldest and best name as our national name: the name America, sanctioned by discovery and exploration during our earliest annals, and by usage among the Fathers at the time when the foundations of the nation were laid.

The thoughtful student of history soon discovers that it records two groups of interests: the one economic, the other political; the first, a group of ideas which control the conduct of men as bread-winners; the second, a group of ideas which control men in their civil relations. Without presuming to enter upon a discussion of controversial topics, or to espouse the interests of any creed or party, I have sought in this volume to narrate in a simple, compact, and comprehensive way the history of four centuries of America. To do this well within the limits of a single volume is difficult. The ruling canon of the book has been to be brief, clear, and accurate. The Nation is the chief theme. It was not until 1876 that a political party in America for the first time declared that "the United States is a Nation." The book is confined to a narrative of the things best worth knowing about America. It does not aim to be exhaustive, but it aspires to be helpful and suggestive. It was begun in 1888, and by the spring of 1897 had been brought down to the events of that time. The narrative was later carried down to the close of the Fifty-sixth Congress. Some portions of the early chapters, and the entire narrative after 1765, are based on the primary sources; but the author would do himself injustice were he here to omit expressing his obligations to a large number of specialists whose particular investigations have been consulted. If the narrative lacks interest, the fault is not in the theme but in the telling.

The spirit which has guided me while writing the volume is well expressed in the words of counsel uttered to the American people more than a century ago:

“Promote them,” said Washington; “promote as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.”

FRANCIS NEWTON THORPE.

Mount Holly, New Jersey, April 16, 1901.

A HISTORY OF THE AMERICAN PEOPLE

CHAPTER I

THE INDIANS

1620-1729

For ages before the discovery of this continent by Europeans, it was inhabited by a race of men distinguished by their copper-colored skins, their small black, bright eyes, their high cheek-bones, beardless faces, long, coarse, and straight black hair, and their lean, sinewy, and erect forms. Columbus, mistaking the new continent for India, called them Indians. The native races themselves had no name in common, and each man was nurtured in the belief that his tribe was the greatest on earth, and that he was the greatest of his tribe. Columbus, therefore, did what neither the savages themselves nor the most learned societies of civilized men would have agreed to do—he gave the original inhabitants of America one common name, Indians; for he thought he had reached India and that these strange people were some of its inhabitants. Time has partly corrected his error by designating the islands as the West Indies, but the native tribes, from Cape Horn to the Yukon River, have been called by the name Columbus first used, though it is a misnomer. Whence these people came is unknown.

The Indians are a strange people; they have traditions, but no history. Civilized people erect monuments of various kinds to commemorate their own deeds and those of their ancestors. Throughout the length and breadth of the United States there does not exist, and probably there never

did exist, a monument of any kind deliberately erected by an Indian or a tribe to commemorate an event in Indian history. This is a highly interesting fact. Here, living to-day, is a people that builds no monuments; that writes no records; that leaves no intentional sign of its existence. Mankind in its earliest years could do no less. Unquestionably the American Indians are one of the oldest races of men on the earth. Compared with them, the Assyrians, the Chinese, the Egyptians, are children of yesterday.

Geologists tell us that America is older than Europe or Asia; that the oldest land in the world is the St. Lawrence valley; the oldest land in the United States, the Adirondacks. Thus the land and the native races of our country are the oldest on the globe. To study the characteristics of the American Indian is to find further proof of this. The Indian never laughs or jokes in the presence of a white man, or a stranger; whatever his years—boy, youth, or man—he has the saturnine touch of old age upon him. His moral sense is scarcely developed. He wholly lacks industrial invention; had he possessed it, he would have been a builder. He was a wild animal in human form. Soon, the colonists discovered that he was far more dangerous than any wild beast. His intellect was wonderfully keen. Within the range of his activities it could not be surpassed. An American Indian differs from all other savages in being an intellectual wild man, cunning beyond the cunning of any other savage the world has ever seen.

Europeans found this country a scene of ancient feuds and perpetual war. It was a world of ceaseless bloodshed. In consequence, the native population of the continent was small. Some portions had no human inhabitants. This was true of the greater part of Massachusetts, southern New Hampshire, and Vermont. Smallpox and the Mohawks there had destroyed the native tribes. All down the Atlantic coast, as far as the Savannah River, the first colonists found few Indians, and these only remnants of once powerful tribes. The Five Nations called the Indians on the Delaware and the Susquehanna "women." It was fortunate for the first settlers that the tribes along the coast were so feeble. Had the seat of the Five Nations extended over



this region, the settlement of America would have been long delayed.

There were many tribes and clans, but only three races of Indians east of the Mississippi. The division was never made by the Indians themselves, but by white men who base their opinions on the study of Indian languages. The three great race divisions were Algonquin, Iroquois, and Mobilian, or Maskokian. A fourth race division, the Sioux, or Dakota family, was represented in the tribes living between the Santee and Potomac rivers. At the time of the settlement of Jamestown, there were less than two hundred thousand Indians, within the present boundaries of the United States, east of the Mississippi River. Of the number to the west, there is no knowledge. There are about as many Indians within the United States to-day as there were east of the Mississippi, two centuries and a half ago.

Of the tribes that acted so important a part in the history of our country during the seventeenth and eighteenth centuries, the Five Nations numbered about ten thousand at the time of their greatest strength; the Chickasaws, Choctaws, Creeks, Cherokees, and Catawbias, about sixty thousand; the tribes from Ohio to Lake Superior were far less numerous. Marquette and other French explorers, who first visited the old Northwest, passed over hundreds of miles of the wilderness and saw no signs of human population. It may safely be said that the original population of the continent has been greatly overestimated. An Indian war party of a hundred was seldom seen; of a thousand, only a few times in our history; of ten thousand—never.

A family lived in a tepee, lodge or wigwam, which was made by spreading bark or skins over poles usually like a tent, but among the Five Nations, like a house. The Seneca long-house usually consisted of twenty-four sections; those at the ends containing provisions; each of the others containing a family. There were no windows. Along the sides were the sleeping quarters. At intervals, down the midway, were fires for cooking and heating. The smoke found its way out through the roof. The Five Nations had

a fixed home. The Indians of the Mississippi Valley used the tepee. The Mandans, on the upper Missouri, built a circular lodge, and covered the roof with clay which hardened in the sun like rock. The hearth fire was in a pit in the center of the floor; around this the families were arranged, each having a triangular section.

Among the Indians, all relationship was through the clan, which consisted of all families descended from the same female ancestor. Each clan was a unit, having its chiefs, sachems, warriors, medicine-man, its food, land, and name in common. Three famous clans of the Five Nations were the Wolf, the Bear, and the Turtle. The Wolf was the token of the Wolf clan, a sort of earmark to a large family group. All clans having a common ancestor made up a tribe and spoke a tribal tongue. The Five Nations were a league of tribes. The Indians were much given to debating all important matters in council. Here the tribes were represented by the older and most distinguished sachems. A chief was a leader of a war party. The most famed leader was usually the spokesman for a tribe.

The Indian women did all the work; moved the lodges and put them up at the new camps; kept the traditions of the tribe and owned all the land. The torturing of prisoners was their peculiar right. Indian women originated the most cruel tortures inflicted on that great company of white captives from the days of Captain John Smith to the days of General Custer. Indian children grew up with the dogs. Discipline among them was unknown. They differed from the elders only in size and strength. The women taught the children how to torture prisoners; the men taught them to hunt, to war, and to boast.

Down to the coming of the whites, the Indians dressed in skins, or ornamented themselves with feathers; colored their own skins with clay and the juice of plants, and were armed only with bows, arrows, spears, clubs, and tomahawks of stone. They lived almost solely on animal food, corn, beans, and pumpkins. They made bags of skins, filled them with water, heated this by throwing in hot stones, and then cooked their food. They made canoes of bark sewed with thongs of deerskin, and smeared the joints with

the gum of trees. The women sometimes made crude pottery and clay pipes, ornamenting their work with stripes of color. All the tribes wandered about their own hunting-grounds as fancy or necessity led them.

The extent of the religion of the Indians has been a theme of much discussion. The wind, the thunder, the lightning, the clouds, the rain, the stars, even the streams and forests, the bear, the fox, and the buffalo, were in some vague sense gods to them. The idea of a supreme God, a moral Being, such as is depicted in the Bible, never occurred to them. No Indian language ever contained a word which conveyed to an Indian the meaning of the English word "God." The French priests, who were the first to establish missions among the Indians, soon discovered that the Indian languages did not contain words that would express Christian, or even moral, ideas. Of course this was also true of the incapacity of these languages to express ideas of civilization in general.

An Indian's ideal was to become a famous hunter and warrior. He was bred from infancy to be a master of woodcraft. He could imitate any bird or beast; he could outwit the fox, outrun the wolf, take the moose by surprise, and entrap the wildest animal. As a warrior, he was a wild beast that could think and plan. It is doubtful that two tribes, or even two Indians, ever met in a fair open fight. To ambush the enemy, to kill him in his sleep—this was valor. To wear a scalp at the belt was a certificate of the skill of a veteran—a title to the chieftainship. No promise could hold or treaty bind such a people.

The Indians may be said to have welcomed Europeans. The Hurons at once took Champlain into their confidence, made him their ally, and had him turn his guns upon their ancient foes, the Five Nations. The next acquisition was of guns, powder, ball, and scalping-knives. Then the Indians were ready to follow their old foes and destroy the new-comers. But the whites brought with them a weapon that cut off the Indians more quickly than war. This was rum, which the Indians called "firewater." They speedily practiced all the vices of civilization. They did not take to its virtues.

During the seventeenth century, the settlers were usually on friendly terms with their Indian neighbors, who with few exceptions were the remnants of once strong tribes. They were enfeebled by decay, broken in spirits, and quite ready to receive the protection and help of the whites. This condition of affairs continued till the Franco-English struggle began, in 1689. There were exceptions, however, as the war with the Pequots in Connecticut, in 1636; with the Mohicans in Massachusetts, in 1637; with King Philip in 1675, and with the Tuscaroras at the close of the seventeenth century. But with the opening of the seventy years' war between France and England for the possession of the continent, the Indian tribes suddenly became important military factors. The ancient feud between Algonquin and Iroquois was resumed; the Five Nations kept pretty steadily with the English; all the other tribes, sooner or later, joined the French. These alliances greatly affected all the tribes from the Hudson to the Mississippi, and from the Gulf of Mexico to Canada. The bow and arrow gave place to the rifle; the tribes were greatly decreased in numbers by drunkenness, endless broils, and smallpox.

The Indians gained nothing by the French and Indian wars. When in 1763 the country east of the Mississippi became English soil, it seemed, for a time, that the Indians west of the Allegheny were to be left forever undisturbed within their vast domain. This was the plan of the British government. It was also the plan of Pontiac, "king and lord of all the Northwest," and in a famous conspiracy he planned, in 1763, to drive the English into the sea; but in spite of King George and Pontiac, the settlers pressed over the mountains and sought homes in the Mississippi Valley. For the first time the English government and the colonies were united against the Indians, and the year that witnessed the imposition of the stamp tax (1765) witnessed the utter overthrow of Pontiac.

The war for the independence of the United States again divided the Indian tribes, and this time by a new division: allegiance to Congress or to the king. In the Declaration of Independence the king was accused of endeavoring "to bring on the inhabitants of our frontiers the merciless Indian

savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions." With the establishment of a national government, all the Indians within the United States became subject to its authority; and their history is best told in connection with the acquisition and settlement of the south and west.

There is probably not a county in the United States which does not show vestiges of this vanished and vanquished race. Streams, mountains, rivers, states, cities, preserve many Indian names. In some places, as in Ohio and Missouri, curious mounds and earthworks in rude order attest the antiquity of this strange people. Museums are now filled with Indian collections, gathered to preserve some relic of their language, their customs, and their traditions. The dead Indian, like the Egyptian mummy, is treasured as a vestige of an ancient world. But no one should confound fact with fiction by reading into Indian life and character qualities which the race never possessed. For four hundred years it has resisted civilization. During the three centuries of its close contact with Europeans, it has preserved all its ancient character, except in those limited areas, called reservations, where the compulsion of civilization has forced a change. In the course of our narrative we shall meet with great Indians—eloquent, like Red Jacket, or politic, like Tecumseh. But even these have displayed only the characteristics of their race and remained intellectual barbarians.

The history of the Indians is that of a vanishing race. We know that they completely possessed the country at the time when the colonies were first settled. A century and a half later, at the close of the French and Indian war (1763), the Proclamation Line was the frontier. Westward lay the Indian Country. Up to this time the tribes had figured as allies of the English or of the French in the long struggle for the continent. England won, and the Indian Country was set apart by the king as a western and permanent Indian reservation. Pontiac then made a league of the tribes to exterminate the whites. His conspiracy failed. Soon after the war for independence broke out, and the tribes divided, some fighting for Congress, others for

the king. Congress took up the Indian question when it made treaties of peace with the Six Nations, and secured their neutrality during the Revolution.

With the organization of the United States, the national government was given sole power to make treaties with the Indians, and from 1789 to the present time they have been the subject of a vast amount of legislation by Congress. The policy of the government has been to treat each Indian tribe as a nation; to remove the tribes east of the Mississippi to the Indian Country west of it; to establish Indian reservations and keep the tribes within them; to purchase the reservations, or parts of them, and open them to white settlers; to consolidate the tribes in new, smaller, and more remote reservations; to pay the Indians annuities for their lands, and thus to make most of the tribes dependent upon the government for food and clothes, and to allow churches and schools among them.

The effect of this policy has been the disappearance of the Indians almost entirely east of the Mississippi, and the concentration of the remaining tribes on the reservations. Thus the Indian of to-day is wholly dependent on the United States government for all his supplies. There are exceptions, as the five civilized tribes of the Indian Territory practice all the trades and follow the usual occupations of white men, and have a government organized much like that of white territories. They have their laws, books, and newspapers in their own language. But most of the Indians on the western reservations are degraded. On reservations east of the Mississippi, few pure blooded Indians can now be found. A map of Indian reservations to-day shows at a glance the striking contrast between the Indian Country now and its extent just before the American Revolution. Then it stretched an unbroken wilderness westward from the Alleghanies; now it consists of a few dozen reservations scattered from Maine to Oregon..

CHAPTER II

THE DISCOVERY OF AMERICA

986-1520

To this vast wilderness, "the under-half of the world," sparsely inhabited by barbarous tribes and savage clans, the people of Europe were bound, eventually, to find their way and to extend civilization, as, ages ago, the people of Asia spread civilization over Europe. We do not know how the native races of America came here. This continent may once have been a peninsula of Asia, as Europe now is, and its original inhabitants may have wandered eastward from Asia to this country about the time when the first inhabitants of Europe wandered from Asia westward. The study of primitive speech, of ancient ruins, and of folk-lore throws a dim light on the subject, but nothing is known to which an exact date can be given till the tenth century. Adventurous Northmen, of whom one Eric the Red is most famous, in the year 986, having passed westward over the Sea of Darkness, as the Atlantic was then called, sighted the coast of Labrador, sailed along the Grand Banks and visited portions of the New England coast, which from the abundance of its wild grapes they called Vinland. This may have been the shores of Long Island Sound. These voyages were sung in the Norse poems, called the sagas, but were soon forgotten. It has been said that some tradition of these adventures was known to Columbus, but this is doubtful.

By the middle of the fifteenth century, geographical knowledge of the world was greatly extended. Trade and commerce then centered around the Mediterranean. Florence, Genoa, Venice, and Lisbon were the commercial centers of Europe. A rich overland trade with Asia had been carried on uninterruptedly for centuries. The chief commercial center in the East was Constantinople, but in

1453 this city was captured by the Turks, who suddenly stopped the ancient course of trade and threatened the commercial towns of Europe with ruin. Beyond Constantinople and the Turkish Empire lay the rich marts of Asia, eager as ever to maintain commercial relations with Europe. How could the masters of Constantinople be circumvented? How could Europe reach the rich Orient as before? By land no longer, because the heavy duties imposed by the Turks barred the way. By water? But none had gone that way. The Portuguese had long been trading down the coast of Africa, and as a result of their voyages, Fra Mauro, in 1459, had made a map of the world, which, drawn in colors on oxhide, may be seen to this day in the library of the Doge's Palace in Venice. According to this map, Asia might be reached by way of the African coast; but the voyage would be very long and perilous. What ship could stand it? What sailors be induced to go? Fierce monsters lay in wait; poisonous winds blew; and even if a ship sailed safely down the world so far as the southern point of Africa, how could it sail up so far as Cathay—of Asia? When we reflect that as late as the time of Queen Anne, when Benjamin Franklin was a boy, it was commonly believed that the ocean abounded in terrible monsters which might seize and sink the largest and strongest ship, we can more easily understand the force of these superstitions about the sea which prevailed when Columbus was a boy. In our day, many people believe in the sea serpent, which they expect will some day coil itself about one of our largest steamships in midocean and settle with it to the bottom of the sea. On Fra Mauro's map, sea monsters were depicted in great variety; but in spite of this portrayal of ignorance and superstition, the map showed the known world with wonderful accuracy. It depicted the principal features of Asia, Africa, and Europe, though it lacked North America, South America, and Australia. It was the official map of the world, issued when Columbus was about twenty-three years of age. At this time, men believed that the sun revolved about the earth and that the earth was the center of the universe.

Among the Italian sailors of these days was Christopher

Columbus, a native of Genoa, though his parents, like himself, changed their abode several times, so that the place of his birth has been disputed. He said in his will that it was Genoa. Familiar with all the important ports of the Mediterranean, and witnessing the rapid decay of their once flourishing trade, he early began thinking how it might be regained. As he was a sailor-boy at nine, he probably first thought of the subject in his eighteenth or nineteenth year, for we know that he spent over thirty years in getting powerful princes interested in his plans. A hundred years before Columbus, Marco Polo, an Italian, after long residence in Asia, wrote a book of travels and adventures which were so wonderful as to be considered fabulous by the wise men of Europe, although Marco Polo returned to Venice with great riches in proof of his story. Familiar with this book, with Fra Mauro's map, and with the anxious wishes of the merchant princes of Europe, Columbus conceived the idea that Asia could be reached in a few days by sailing west, thus saving the long, dangerous voyage around Africa. In demonstration of his ideas he constructed maps and globes; he collected the opinions of the greatest philosophers; he gathered facts from his fellow-sailors who had seen strange objects such as bits of carved wood, branches of trees, and as some said, bodies of men, that had drifted across the Sea of Darkness.

Brooding over all this evidence, Columbus was convinced that he could reach Asia by sailing west; could establish new routes of trade, and if heathen nations were found, he might be instrumental in converting them to the Christian faith. Did not all philosophers teach that the world was round like a ball? Did not Ptolemy compute its circumference at twenty-one thousand six hundred miles at the equator? And it would be much less on the parallel of Lisbon. But Columbus got greatest comfort from a philosopher and map-maker of Florence—famous throughout Europe—named Toscanelli, who, entering heartily into the idea, constructed a sailing-chart, on the basis of Fra Mauro's map. This was in 1474. For nearly twenty years Columbus treasured this chart; displayed it in evidence of the practicability of his ideas, and at last actually used it in his

voyage, the most famous in the history of the world. During all these years, he let no chance slip by which promised help. Most men who met him thought him a lunatic or a dreamer. He would have fitted out a ship himself, but he was too poor. Therefore, for thirty-five years he sought a patron. The princes and merchants of Italy refused, the king and queen of Spain refused, and Portugal was interested in an eastern route to Asia by way of Africa. Charles VIII. of France and Henry VII. of England refused, but Columbus did not give up. Spain was struggling to expel the Moors, and Columbus followed the camp of Ferdinand and Isabella, hoping for a victory that would move them to assist him. At length the queen, agitated by the desire to spread the Christian faith over Asia, and also stirred by Columbus to believe that great riches might be won for Spain in the west, ordered a fleet to be equipped at public expense and commissioned Columbus as admiral and governor of what lands he might discover. Three ships, the *Pinta*, the *Niña*, and the largest, the *Santa Maria*, of about one hundred tons, were fitted out at Palos. Ninety sailors were gathered, but only by emptying the jails, at last. Some thirty gentlemen, adventurers, joined the expedition. Columbus superintended the equipment and bore part of the expense. A part was borne by the brothers Pinzon, owners and captains of the *Pinta* and *Niña*.

On Friday, August 3, 1492, the fleet sailed.* Leaving the Canaries, Columbus struck out boldly into the Sea of Darkness, expecting to sight Asia within a week. But five weeks passed. The men mutinied. Terror and treachery possessed them. To gain time, Columbus falsified the reckoning; but the men could not be deceived much longer. He viewed with alarm the variation of the needle from the true north. He explained it to the sailors so as to quiet their fears. The fact of the variation was previously unknown. Signs of land were seen. A flock of land birds caused the admiral to change his course more to the south. He had been sailing toward that part of the coast now known as Carolina.

* Among the common sailors were William Irish (or Harris?), of Galway, Ireland, and Arthur Laws (or Larkins?), of England. For a list of the crews, see Fiske's *Discovery of America*, Vol. II, Appendix, 6.

On the morning of Friday, October 12th, at two o'clock, there was a cry of "Land! land!" A light as of a torch signaling was detected in the distance. It was the open fire of a native, and the flickering effect was caused by the rise and fall of the waves between the ship and the shore. At dawn the land appeared: a low, barren coast, one of the islands of the Bahama group. The exact spot is unknown. Probably it was Watling's Island.

With all the pomp he could command, Columbus landed, and planting the Spanish flag, took possession of the land in the name of his sovereigns. He believed that he had reached an island off the coast of Asia and that India was just beyond. The natives, who received the Spaniards in friendly awe, he called Indians; and the name thus erroneously given came at last to be applied to all the native races of the New World.

For five months Columbus explored the islands, discovering the principal member of the West India group, Cuba, and believed it to be the peninsula of Asia. Everywhere he inquired for gold mines. The natives pointed to the west. He kept a journal, which he supplemented by letters to the king and queen, and to others in authority. In one of these letters he described the Indians, and said that they had no beds, but used *hamacas*. This was the first word from a language of the New World that was translated to the people of the Old. Great was the astonishment in Europe when the news of the admiral's discovery was heard. He had returned with strange fruits and plants and minerals, and with stranger people, called Indians. And he had found Asia and unlimited quantities of gold, and the king and queen had received him like a royal prince.

At once he was asked to make another expedition, and it seemed as if half of the kingdom was eager to accompany him. In September, 1493, he started with a splendidly equipped fleet and a great company of adventurers, each of whom expected to find fabulous riches in the New World. He had left a colony on the island of Hayti, but not a trace of it was found, save a heap of stones and a rusty cannon. Those whom he left had taken no thought of agriculture. They had pillaged the natives, and in return had been over-

powered and destroyed. Like the adventurers clamoring around Columbus, Spain clamored for gold. This was the great object of search, and this he failed to find, except in the ornaments of the natives. He enslaved the natives, and treated them with great cruelty. They fled at the approach of the Spaniards, but Columbus continued his explorations. His letters vividly describe new scenes. He mentions that it was common among the Indians to supply themselves with a small amount of food and long, hollow reeds, through which they inhaled the smoke of a plant. It was tobacco they were using. At this time tobacco-smoking was unknown to Europeans. They took the habit from the New World, but not till a hundred years after Columbus. On his return, he found himself the most unpopular, the most villified man in Spain. His second voyage had been a failure. Meanwhile, England, France, and Portugal were planning western voyages.

Still believing that he had found Asia, Columbus set out on his third voyage in 1498. Cuba was his first point; thence, coasting southwestward, on the 1st of August he sighted the mainland of what he supposed to be Asia, and discovered the Orinoco River. In his letter describing this discovery, he declared his belief that the Orinoco flowed from the Garden of Eden, and that if any one could surmount its swift current, he could gain entrance to Paradise. Moreover, as the result of his three voyages he announced his belief that the world was shaped like a pear and that the Garden of Eden was located, as it were, at the stem of the pear.

This voyage did not restore his lost fame. He was persecuted and accused of maladministration. Again he set forth, in 1502, and spent two years exploring the coast of the mainland from the Orinoco to Mexico. But he found only slight traces of gold. He brought back nothing of interest to Spain. His enemies triumphed over him. He was imprisoned and bound in chains. Broken in health, but with great spirit persisting in his claims, he died, disappointed, in 1506, firmly believing that he had reached Asia, and with no idea that he had led the way to a new continent and laid the foundation of a fame that will last as long as time,

Meanwhile, other navigators were seeking Asia—some in the east; others in the west. John Cabot, a Genoese like Columbus, had entered the service of Henry VII. of England, and in May, 1497, sailed westward from Bristol, in a small ship with eighteen men. He reached a coast, probably Labrador, on the 24th of June. In April, 1498, accompanied by his son Sebastian, he went on a second voyage with five ships, followed the coast as far south as the Carolinas, and thus established the English title to a great part of the New World.

Vincent Pinzon, who had accompanied Columbus on his first voyage as captain of the *Pinta*, sailed from Cadiz in May, 1497, and following his former course, spent sixteen months in voyaging in the West Indies and northward along the mainland. He relied upon the skill of a Florentine navigator who accompanied him, Amerigo Vespucci, usually known by the Latinized form of the name, who in a familiar letter to a friend later gave an interesting account of the strange coasts he had visited. No more memorable letter was ever written, for it was the means, eventually, of giving the New World its name. Pinzon and Vespucci coasted along what are now Florida, Georgia, the Carolinas, and Virginia, so that they saw more of the new continent than Columbus had seen. In 1497, Vasco da Gama, for Portugal, sailed southward from Lisbon, was absent two years, and returned with a cargo of greater value than any ever brought to Europe before. He had reached Asia by way of the Cape of Good Hope, and had done what Columbus had tried to do. Columbus had brought back a few Indians, a few curious birds and plants, a few balls of raw cotton. Da Gama brought spices, silks, and precious stones. It was Da Gama's voyage that stirred Columbus to make his last voyage; but when he returned empty-handed, he was taunted as an impostor and reminded of Da Gama's rich cargo. The year 1497 is famous for great voyages: that of Cabot, to the mainland north; that of Columbus, to the mainland south; that of Da Gama, to Asia by way of the Cape, and a fourth, overlapping both Columbus and Cabot and resulting in a name for the New World.

Spain and Portugal had long been rivals to gain control of the trade with Asia. War between them was possible. Spain besought the Pope, Alexander VI., to confirm to her the results of the voyage of Columbus. Taking a map of the world in 1493, he drew a meridian line one hundred leagues west of the Azores. Portugal at once protested, and a year later the Pope moved the line two hundred and seventy leagues farther west. All lands to the west of this line were to belong to Spain; all to the east, to Portugal. This explains how so much of the southern continent in the New World became Portuguese soil.

Next to Columbus, as a navigator, ranked Americus Vesputius. He was a learned man, and after the return of the Pinzon expedition and the visit to the mainland north, he piloted another Spanish expedition along the coast of Brazil. Finding Indian villages built on piles, he called the place "Little Venice," Venezuela, as it remains to this day. The new line of demarcation was clearer on the Pope's map than to navigators. Stimulated by Da Gama's voyage, Portugal sent Cabral, late in 1499, with a fleet of thirteen ships, to follow in the same course. But Cabral got too far out to sea, and on the 22d of April, 1500, sighted land, and claimed it as lying east of the papal line, and therefore as Portuguese soil. He sent a swift ship back to Lisbon with news of his discovery, and the king, eager to secure title, secured Vesputius as chief pilot in a new expedition, sailing in May, 1501. Vesputius ran down the Brazilian coast as far as the La Plata, and settled the question of Portuguese supremacy in that part of the New World. He took the fleet southward into antarctic waters and then home. He had thus seen, in two voyages, more of the New World than either Columbus or Cabot, and nearly as much as both of them. He made three more voyages, become chief pilot of Spain, an office created for Columbus, and died in 1512. He was a friend of Columbus, and in no way sought to deprive him of his fame.

These early voyages stirred public interest throughout Europe. Thus far Spain and Portugal had been most active. Columbus was a prolific letter-writer, but nowhere did he hint that he had found a new world. The letter of

Vespucius suggested that a new continent had been found in the west, because Pinzon and Vespucius had passed through the Strait of Florida and along the mainland to the north. Columbus had strenuously contended that he had reached Asia, and others believed what he believed himself. The two events seemed quite different in importance. For centuries the existence of a fourth continent had been surmised. Mela, in the first century, had ventured to locate it on his map as "the opposite side of the world." Had not Vespucius piloted the Portuguese expedition to this long suspected region? Was not Brazil the "fourth part" of the world? There is no evidence that Columbus for a moment thought that Americus Vespucius was trying to rob him of his fame. In the west were many strange coasts; who could tell what might be found there? At this time there lived in St.-Dié, France, one Martin Waldseemüller, a learned German map-maker and printer. He thought it time to bring out a new geography showing the latest discoveries. He did as geographers ever do when representing a new region; he gave it the name of its supposed discoverer. As Vespucius was supposed to be the first who had seen this new continent, Waldseemüller proposed that it be called America. This was in 1507. The name was first applied to a small portion of Brazil, south of the equator, but was gradually extended over the southern continent, and later over the northern. Thus America was named. It does not appear that Vespucius knew Waldseemüller.

Expeditions now multiplied. All Europe seemed in search of the Indies, and of gold and slaves along strange coasts in the west. In 1513, Balboa caught sight of the Pacific from a mountain-peak on the Isthmus of Panama. He called it the South Sea. America was supposed at this time to be a collection of islands. Doubtless the South Sea was only a continuation of the Sea of Darkness, and bore away to Asia by many safe passages. As yet no one dreamed of the magnitude of the two new continents. It was while in search of a passage through South America that Ferdinand Magellan, in 1519, with five Spanish ships, coasting along Brazil, passed through the strait now bearing

his name. Continuing boldly westward, in spite of mutiny, hunger, thirst, and terrible sickness on board, he kept on. Stopping at the Philippines for supplies, Magellan was killed, but the remnant of the fleet set sail for Spain. One ship only, the *Victoria*, reached home after an absence of three years, having made the first voyage round the world.

Thirty years had passed since the first voyage of Columbus, and many memorable voyages had followed it. Spain, Portugal, and England were now turning to America for greater riches and power. The Spanish had taken possession of Cuba, Hayti, and San Domingo, and had established military governments there. The native population had been worked to death in the mines and supplanted by a population of African slaves. South America, which was best known to the people of Spain and Portugal, has a climate in those parts first discovered similar to that of those countries, and promised an endless supply of gold and pearls. It was supposed to be one vast island, but North America was thought to consist of many small islands, or possibly to be only a peninsula of Asia. If by good fortune a navigable strait through North America to Asia could be found, then the riches of Cathay might be accessible to Europe. So, after all, men held to the old idea of Columbus, and many spent fortune and life in search of a northwest passage. Not until 1728, when Vitus Bering, a Dane, in the employ of Russia, discovered the strait that bears his name, was it settled that North America is a continent. This long period of more than two hundred and thirty years after Cabot's discovery of North America almost covers the period of American colonization. Georgia, the last English colony, was founded in 1733.

The years when Magellan was circumnavigating the earth were the years of the Spanish conquest of Mexico, which Cortés began in 1520. Pizarro followed with the conquest of Peru. Though these countries lie far from our own, their early history had a mighty and most baneful influence on all America. So vast and unparalleled was the quantity of gold and silver obtained by Spain from Peru and Mexico, that it gave all Europe a false idea of the nature and resources of the New World. We shall see, as

the history of our country unfolds, that Europeans were long possessed with the idea that the precious metals might be found anywhere in America. Europe, at this time, and indeed down to the American Revolution, knew no other measure of wealth than gold and silver. To secure this and to monopolize trade were the principal motives of each European nation that explored and colonized America. For ages two vast continents had lain unsuspected in the west. Henceforth the history of the world would be changed, and all because Europe had found America.

CHAPTER III

THE SPANISH CONQUEST

1493-1565

Evidences of abundance of gold in America incited the Spanish to exploration and conquest. The world had not yet learned that the true measure of wealth is labor. That idea was first advanced by Benjamin Franklin in 1734, more than two hundred years after the events of which we have been speaking. The Spaniards saw nothing in the genial climate, the fertile soil, the valuable forests, the plants and the minerals of the new regions they explored. Only gold and silver would satisfy them, and to obtain it they risked their own lives and sacrificed the lives of the native Indians.

By the papal decision, all countries lying west of the line of division were given to Spain. This gave North America, Central America, the West Indies, and the greater part of South America to that power, and this vast domain was overrun and divided into military districts by the middle of the sixteenth century. Spanish South America retained ancient names. To North America, as far as explored, the name New Spain was given. In that portion of our country once a part of New Spain, little now remains that suggests the Spanish conquest. From the Mississippi to the Pacific and from Mexico to Oregon are many towns, rivers, and mountains with Spanish names, and in Texas and the region acquired from Mexico many land titles run back to the Spaniards. Within this region the Spanish language is still used, though in an impure form. The laws of New Mexico, Arizona, and Colorado may be had printed in Spanish. East of the Mississippi Florida was Spanish, and on the early maps Florida extended as far north as the Great Lakes.

Within New Spain were found the most civilized of the native races, the Aztecs, the name of one of whose war-gods,

Mexitl, is preserved in the word "Mexico." There is a tradition that early in the fourteenth century the Aztecs were forced by their enemies to seek safety among the salt-marshes near lakes Chalco and Xochimilco, and there they built a pueblo, strong and mighty, which they called Tenochtitlan. While digging in the marsh, they found a stone upon which in a former time one of their priests had sacrificed a chieftain taken in war. A cactus was growing from a crevice in the stone, and seated on the plant was an eagle holding a serpent in its beak. An Aztec priest promptly declared the augury. The site should be called Tenochtitlan, "the place of the cactus rock," and the Aztec race should rise to glory and power, and here should be their chief seat. Thus was the ancient city of Mexico founded, and five centuries later, when the present Republic of Mexico was established, the device chosen for its coat-of-arms was the ancient totem of the Aztecs: the cactus rock and the eagle holding a serpent in its beak.

The more northerly of these tribes, greatly reduced in numbers, are still living in their ancient homes, the pueblos. They are the Moquis of Arizona and the Zunis of New Mexico. To the south, in Mexico and Central America, the tribes were more civilized. They built vast temples of stone, and many of the stones were of colossal size, elaborately carved, and covered with sculpture and mystic symbols of a religious character. They showed an elementary knowledge of the use of tools and some idea of art and architecture. But of far greater interest to the Spaniards was the abundance of gold and silver found among these people, and especially in Mexico.

Never before in the history of the world was such a treasure of gold and silver acquired at one time, in so brief a campaign, as that resulting from the conquest of Mexico by Cortés, in 1519-20. Most of it was sent to Spain, but much of it fell into the hands of French and English privateers, like Sir Francis Drake; for the great powers of Europe were at war during the greater part of the sixteenth, seventeenth, and eighteenth centuries, and Englishmen thought it no sin to act the pirate when Spanish money-ships from America were sighted. Spain sought to

monopolize America, and this fostered European wars. Thus it came about that before America was a century old, Spaniards, Frenchmen, and Englishmen were fighting with one another in the wilds of the New World. The conquest of Mexico, resulting in such an unparalleled acquisition of the precious metals, tended to make the contest fiercer and longer and to rage over the entire continent. It seems strange that the discovery of "the lower half of the world" did not afford room enough for all who wished to come to America. Europe, at the time of the conquest of Mexico, had fewer people than now may be found in the four states New York, Ohio, Pennsylvania, and Illinois.

Juan Ponce de Leon, who had accompanied Columbus in his second voyage, had spent most of the time since in pushing Spanish exploration. He was now an old man, but old age had overtaken him just when America was rich in exciting opportunities, and he longed for youth again. The Spaniards were often as credulous as they were cruel, and believed whatever the Indians told them, if it was likely to advance Spanish interests. De Leon was told of a fountain in the west which would restore his lost youth. After the treasures of Mexico, this story seemed highly probable. Straightway he planned to go in search of this fountain, and on Easter Sunday, 1513, he sighted the low-lying coast of this wonderful land, to which he gave the name "Terra de Pascua Florida," "Land of the Flowery Easter," and a remnant of the old name still clings to a part of the land. Eight years he spent in search of the fountain of youth, when he was suddenly cut off by an Indian arrow. It was after De Leon's explorations that the Spanish maps show Florida extending northward to Lake Erie.

Might there not be another Mexico farther north? In 1528, Narvaez explored the bays and rivers along the northern shore of the Gulf of Mexico. He had heard that the Mobile Indians wore gold ornaments, and this news was enough to start up a Spanish expedition. But Narvaez, his four ships, and his four hundred men were wrecked at the mouth of the Mississippi, and nearly all were lost. The survivors, a negro, two common sailors, and De Vaca, the

treasurer of the expedition, were captured by the Indians, were held as curiosities, and for eight years were shown about from tribe to tribe; thus unwillingly they explored the country from the Mississippi to California. At last they reached a Spanish settlement on the Gulf of California, and related extravagant accounts of the riches they had seen. Most wonderful of all places, according to their story, were the Seven Cities of Cibola, which surpassed the City of Mexico in gold and silver. It was an old story, this of the Seven Cities—told for centuries. Thus far the cities had eluded explorers, but here were Spaniards who had actually seen them. They were Mexico and Peru threefold. At once, in 1540, Francisco de Coronado, with three hundred Spanish soldiers and eight hundred Mexicans, set out for the conquest of Cibola. For three years they marched up and down the country from the Gulf of Mexico to the Platte River. Coronado made report of the natural features of the country, but none of the Seven Cities. The only towns he found were the pueblos of the Moquis and Zunis, and they were then as they are to-day. The Spaniards never renewed the search, and from this time took little interest in this part of New Spain.

In the year before Coronado started, Ferdinand de Soto, governor of Cuba, set out with nine ships, with five hundred and seventy soldiers, and two hundred horses in search of that Mexico in the north which Narvaez had failed to find. Was not the undiscovered land somewhere in Florida? For three years he searched for it, and struggled against the fiercest of Indian tribes; for he encountered the Seminoles, the Creeks, the Choctaws, and the Chickasaws. He found endless swamps, impenetrable forests, maddening insects, prostrating fevers, swarms of hostile Indians, and death, but no gold or silver. At last the expedition came to a great river, called by the Indians the Father of Waters, and in the name of Spain, De Soto took possession of all lands watered by it and its tributaries. This left little of the country for England and France. De Soto had found the greatest of rivers, the Mississippi, and his grave, for his followers buried him in its waters by night, lest the Indians should know of their loss. Broken and demoral-

ized, the remnant of the expedition got back to the Spanish settlements as best it could. But the dream of other Eldorados came to many a Spaniard, Frenchman, and Englishman in after years. Men are still searching for gold mines.

Not wholly disheartened by the fate of Narvaez and De Soto, the Spanish began a settlement in Florida in 1546, but the settlers were speedily massacred by the Seminoles. For the next twenty years, effort followed effort, till in 1565 Menendez began the city of St. Augustine, the oldest European settlement in our country. No sooner was the town begun than its founders had to face a new foe. The French had started settlements in Florida, and a bloody conflict followed.

It was now seventy years since the first voyage of Columbus, during which time Spain had explored, and conquered or laid claim to, the greater part of the New World. In our country, Spanish operations were carried on in Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Colorado, Indian Territory, Texas, New Mexico, Arizona, Utah, Nevada, and California. Of the true wealth of this vast region they had little idea. St. Augustine in the east proved to be a permanent settlement, and in the west the Franciscans founded Santa Fé, in 1605, as the center of Spanish authority in the northern New Spain. From this point Spanish missions radiated among the tribes, and around each mission there sprang up a Spanish settlement. As the Spaniards sought the precious metals above everything else, New Spain had only a military government and did not depend on agriculture. The Spanish occupation continued in Florida till 1819; in Mexico, till 1820.

CHAPTER IV

FRENCH COLONIZATION

1515-1759

It seemed as if Spain was to have what she wished—the monopoly of America; but meanwhile other nations of Europe were carrying out rival plans. Before the death of Columbus, Breton fishermen had found their way to the Grand Banks, and they have continued to visit them ever since. Fish constituted an important food for the people of France and England, so numerous were the fast days, and British fishermen frequented the banks quite as freely as those from France. It was not until after the accession of Francis I., in 1515, however, that the French government took an active interest in America. Francis laughed at the pretensions of Spain and Portugal to monopolize Asia and America; he asked for father Adam's will in proof that Spain and Portugal were named as sole heirs to the New World. Evidently America was not to consist of New Spain only. The fishing interests were sufficient to provoke a contest for a share of the new found lands.

In 1523, Francis gave his approval to the cruise of Verrazano, a bold navigator, who, after the manner of the times, had gone in search of a fleet of Spanish galleons laden with Mexican gold, and had succeeded in capturing an immense treasure. The royal favor seems to have changed Verrazano into a French explorer. He sailed along the coast from New Hampshire to Carolina, claiming the country for France. Jacques Cartier, in 1535, sailed up the St. Lawrence as far as the site of Montreal, where he found an Iroquois village. This was the beginning of the French occupation of North America. Twenty-five years passed, but France did nothing in colonization. Her wasteful religious wars absorbed all her energies. One immediate effect of these wars was the effort of many Huguenots to leave

France and find peace and quiet in America. It would have been better for New France had they been allowed to go freely. The great admiral Coligny, a leader among the Huguenots, conceived a scheme for their colonization in the New World, and in 1562 a settlement was begun under Jean Ribau in Florida. This was about the time that St. Augustine was planned by the Spanish. For three years there were signs of prosperity, when suddenly Menendez, of whom we have already heard, surprised and exterminated the settlement. Some seven hundred men, women, and children were butchered, and chiefly because they were Huguenots. The French government was hostile to them and on secret terms with Spain respecting them, so that it made no effort to bring Menendez to justice. But justice came. Dominique de Gourgues, a wealthy private gentleman, secretly sent an expedition to revenge his countrymen. In 1568, the Spanish settlement at St. Augustine was surprised and destroyed. "I do this not as to Spaniards but as to assassins," were the words which De Gourgues burned on boards placed above the heads of the dead Spaniards. And Menendez found the notice two years later. The destruction of two colonies on the same place illustrates the character of the times, when rival nations contended for supremacy in the American wilderness. France made no further effort to colonize Florida, and it remained a part of New Spain.

In the year when Santa Fé was founded, the religious wars in France ceased, and Frenchmen began to think of America again. The fur trade attracted them, and they planned to secure its monopoly, just as the Spanish planned to monopolize the American output of gold and silver. In 1603, the French government empowered De Monts to colonize North America anywhere from New York Bay to Cape Breton. Henry IV. granted him a monopoly of the fur trade within these limits, and from the Atlantic to the South Sea. The scheme was visionary and unsuccessful, though two years later (1605) a permanent French settlement, the first in America, was made at Port Royal, in Nova Scotia. Of this settlement, one of De Monts's associates, Prontrincourt, was a founder. Another associate, Samuel de Cham-

plain, in 1608, began a settlement at Quebec. This was the beginning of Canada. Champlain was a type of man wholly different from previous, and nearly all later, explorers in America. He may be called the first scientific explorer of the New World. He mapped his course and recorded his observations so well that his journal would now serve as a guide-book through the regions he visited. He was interested in the physical features and in the plants and animals of the country, and made drawings of much that he saw. The lake that bears his name was his discovery; so too were Lake Ontario and Lake Huron, and many great streams. On foot he explored most of the country from the Kennebec River to the Straits of Mackinaw. He spent twenty-seven years in Canada, and saw it become the home of several flourishing French settlements. He cultivated the friendship of the Indians, and had great influence over them. During his time, the French entered into friendly relations with the great tribes of the Northwest and secured the monopoly of the fur trade. Most of these tribes became hunters for the French, and brought vast quantities of furs to Quebec and Montreal.

Among all these tribes the Jesuit Fathers sought to establish missions. They penetrated the Indian towns, lived with the savages, bore unparalleled hardships, ministered to the wretched, instilled the teachings of Christianity into the minds of any who would give them a hearing, and thought no danger or sacrifice great enough to deter them from carrying on their work. The Indian world was their parish. Wherever they went they made keen observation of all they saw, and reported to their superior in France in a remarkable series of letters called the Jesuit Relations. They carefully mapped the scenes of their labors; they journeyed all over the valleys of the St. Lawrence and the Mississippi; they discovered all the important lakes and tributary streams of the great valley. Thus it came about that New France was the best mapped portion of the New World. Although the fathers served so faithfully, most of them met violent deaths at the hands of the savages whom they had come to help.

Unwittingly, Champlain had offended a foe so powerful

that the enmity he stirred up proved at last one of the chief causes of the overthrow of New France. For centuries before his coming, a feud had raged between two great divisions of the Indian tribes—the Algonquins, who lived principally north of the Great Lakes, and the Iroquois, also called the Five Nations, who lived south of them, and whose cruel hand was felt as far south as Florida and as far west as the Platte River. At the time of Champlain's arrival, the Algonquins were the less formidable, although a thoroughly organized league, after the manner of Indian organization. Champlain made peace with them when he found the St. Lawrence, and entering into offensive and defensive alliance, was welcomed as a powerful and timely ally. Ignorant of the ancient feud, and also of the power of the Five Nations, he readily joined in an expedition against them, his Algonquin allies trusting that with the help of his terrible firearms they might at last annihilate their foes. Near Ticonderoga, in 1609, Champlain met and defeated the Five Nations. Here was the home of the terrible Mohawks, but they fled at the sound and the destruction made by the French guns. From this time the Five Nations hated the French as they hated their more ancient foes.

As matters turned out a century and a half later, Champlain's defeat of the Mohawks was one of the important events in American history.

While he was defeating them at Ticonderoga, the English were settling Jamestown and the Dutch were laying the foundations of New Amsterdam, later to become an English town. As the English extended their colonies and were brought in contact with the Indians, they discovered that the whole country east of the Mississippi was under the control of the Five Nations, and furthermore, that these were foes of the French. An alliance soon followed. During the whole history of New France, covering a century and a half (1603-1763), the Five Nations continued to be implacable enemies of the French, and were a barrier preventing the extension of New France over New England, New York, and Pennsylvania. But down the Mississippi Valley the French passed without

serious hindrance, save from the Spanish whom they met in what are now Missouri and Louisiana.

The portion of the United States once in New France comprises the region from the Alleghany Mountains to the Missouri River and from the Lake of the Woods to the Gulf of Mexico, or nearly one fourth of the Union. Within this area, there remain many evidences of French exploration, but few of their occupation. French names of rivers, lakes, and valleys, and a few towns survive. Along the Ohio they planted plates of pewter, with suitable inscriptions, claiming the country. Their headquarters were at Quebec and Montreal, but their forts were scattered over the Mississippi Valley at strategic points. They were bound to become one of the chief disputants for the control of America. Evidence of their once powerful ascendancy is abundant in Louisiana, as attested there by land titles, laws, and to some extent by the manners, customs, and language of the people. When the French had explored Louisiana, they attempted to hold it as a part of New France. This brought on the French and Indian war (1756-63). But France and England were really at war for America from 1608 till the fall of Quebec, in 1759.

CHAPTER V

VIRGINIA

1497-1765

Cabot's discovery of North America, in 1497, gave the English a claim to the continent, but they made no effort to explore or colonize it for over eighty years; a delay due to the prolonged wars in which England was engaged. The English were fighting for nationality, and all Europe was involved in the conflict. In 1567, the Netherlands revolted from Spain, and the Dutch fought forty years before winning their independence. Queen Elizabeth became their ally, and sent vast sums of money and many troops to their aid. This involved England in war with Spain. In 1588, Philip II. sent the Armada to attack England—the largest fleet Europe had yet seen, one hundred and thirty-two ships, armed with over three thousand cannon. But the "Invincible Armada" no sooner entered the English Channel than a multitude of disasters befell it. It was outmaneuvered by the English fleet and ship after ship destroyed. A fearful storm drove a great part of it on the rocks of the North Sea coast. Only a few ships escaped. England was out of danger; her naval power was established, and she now turned her attention to America. Holland also was free to participate in the colonization of America.

After 1588 the power of Spain in North America rapidly declined, and the power of England there rapidly increased. Hitherto, all that Englishmen had done in America was to intercept a Spanish galleon from Mexico, or occasionally to seize a cargo of African slaves on its way to Havana. In this questionable business Sir John Hawkins had won wealth and fame. He was a favorite with Elizabeth. With the power of Spain broken in Europe, the northern nations, especially the English and Dutch, turned freely to participate in the large opportunities of the New World. They

no longer felt the restrictive authority of the Pope's division of America between Spain and Portugal. From the long religious wars which had distracted Europe, England and Holland emerged as great Protestant countries. They now took an interest in colonizing America, all of which was already included in New Spain and New France.

Raleigh was the first Englishman to propose establishing a colony in America. His fame was already great; his ambition was greater. He was one of a group of brave Englishmen who carried the English flag to the New World. Frobisher, in 1576, had sought a northwest passage to Asia, carrying out a favorite idea of Columbus; but he brought back only a quantity of worthless minerals and some geographical knowledge, which his name still suggests on the map. John Davis, in 1587, as he was seeking a similar passage, discovered the strait that bears his name. A year after Frobisher, Sir Francis Drake, half explorer, half pirate, while following the seas for Spanish galleons, passed through Magellan's Straits and sailed up the Pacific coast as far as Oregon. For a time he remained in San Francisco Bay, and to the northwest country he gave the name New Albion; that is, New England. It was already known as New Spain. After two years spent in piracy and adventure, he returned to England by the way of the Cape of Good Hope, being the first Englishman and the second European to circumnavigate the globe. Because of his voyage, England laid claim to the Pacific coast of North America, just as by Cabot's voyage she laid claim to the Atlantic coast. If this claim could be defended, North America would become New England. But New Spain and New France had settlements and strong defenders. Evidently, North America was fated to become the scene of a mighty struggle between England, France, and Spain. The Indians were not supposed to have rights which Europeans were bound to respect.

At this time Raleigh planned a colony, and set about planting it, as was then thought, in the wisest way. In 1584 he sent an exploring expedition to bring back reports of the country, and three years later a small colony was settled on Roanoke Island, off North Carolina. It was an

unfavorable time. The Armada was coming, and all England was absorbed in repelling it. Foremost of England's defenders was Raleigh, and he quite forgot his American colony. A few English cruisers visited it, and one, it is said, brought back to England little Virginia Dare, the first white child who was born in the colony, on the 18th of August, 1587. When Elizabeth granted Raleigh a charter, he named English America Virginia in her honor. The little girl brought back home had been given the name of the colony. She appears to have been all that ever came back, for in some way that has never been explained the colony perished and left no mark. But Raleigh bravely resumed his plans. After expending about a million dollars on his venture, he became convinced that the undertaking was too great for private enterprise, and assigned all his interests in Virginia to a joint-stock company composed chiefly of London merchants. Though Raleigh failed to plant a colony himself, he had awakened the English people to the idea. From this time till the settlement of Georgia, in 1732, American colonization was a subject more or less familiar to the English people. Raleigh is remembered as the pioneer of English colonizers. In 1792, the state of North Carolina gave its capital his name.

Like Columbus nearly a century before, Raleigh had pointed the way, and the prospect of wealth stimulated the multitude to follow. James I. succeeded Elizabeth. Though he persecuted Raleigh and ordered his execution, he took a selfish interest in American colonization. Might not gold mines exist in Virginia as rich as those in Mexico and Peru? The king therefore granted a charter to a company of gentlemen and merchants in London and Plymouth; two companies under one charter and one management. No man knew Virginia well enough to describe it accurately, but the charter was made to divide the country by metes and bounds between the companies. The king's scheme to keep the peace between them was novel. To the London company he gave the land from Cape Fear to the mouth of the Potomac River; to the Plymouth company, the land from Long Island to Nova Scotia, and to each company the country inland for a hundred miles. The

strip from the Potomac to Long Island should be neutral soil, open to both companies, but neither should settle within a hundred miles of the other. Thus the charter rudely set out three great belts across the continent, the beginning, as events finally proved, of three zones of states, the Northern, the Middle, and the Southern.

The first English charter for an American colonizing company contained several provisions which largely determined the course of ideas and events in this country. Neither Spain nor France had given such charters. They had commissioned various people to act in a military capacity in the New World. New Spain and New France were military dependencies, and their several governors reported, like army officials, to their superiors at home. King James's charter was based on an entirely different idea. Whoever migrated to America was to enjoy there all the ancient and undoubted rights of Englishmen in England. This made the English colonists English citizens. The charter was a compact signed by the king, attested by the great seal of England, that the council of the colony should be appointed by the king, that he should be paid one-fifth of all gold and silver ore found, and specifically, that one of the main objects of the enterprise was the conversion of the Indians to Christianity.

The most important provision in the charter was the guarantee of the civil rights of the colonists. Unlike the settlements in New Spain and New France, these in Virginia were to be civil, not military, in character. The governments of France and Spain were despotic. The government of England was representative. Hence the English colonists naturally claimed the right to participate in some degree in the control of their own affairs. Originally this was not intended. Raleigh hoped to settle vast landed estates in America, and there to collect his rents as he was accustomed to collect them on his English estates. He was to make what laws he pleased for his colony. The London and Plymouth companies had the same notion, and went into the enterprise as a speculation. Nothing was said in the charter of 1606 of the right of the prospective colonists to participate in the government. But we must remember

that we are now dealing with Englishmen accustomed to many ancient rights and privileges. We shall see how these were interpreted in Virginia and in later colonies.

Royal patronage and public interest promised well for the two companies. Each fitted out an expedition, that of the London company consisting of thirty-nine sailors, fifty-three mechanics and tradesmen, and eighty-two who styled themselves gentlemen. There was not a farmer among them. They expected to pick up gold freely in the new Eldorado. None intended to make America his home. They entered a great river which they named after the king. They landed in May and began their adventures. The more industrious built some huts, and the place was called Jamestown. In less than four months half the company was dead, mostly from exposure and starvation. Jamestown was malarial. By September, nearly all the survivors were down with the fever, and the destruction of the colony seemed imminent. The Indians were already hostile. Among the adventurers was John Smith, who had seen much of the world and had been a captain in the British army in the Netherlands. On the way to Virginia the "gentlemen" of the company had ignored him, but now, in the hour of distress, all turned to him for counsel. While the men had been hunting for gold, or loitering among the Indians, Smith had explored the country, had made a map of it, had aided in the construction of a fort, and had urged industry upon all.

He now quickly restored order and put the colony in a state of defense. While exploring the country, he had many adventures, and some of these he printed in a famous book about Virginia. His most remarkable experiences seem to have happened while he was alone with the Indians. He says that he was captured while exploring one of the branches of the James, and taken to the wigwam of Powhatan, chief of a powerful tribe. After some discussion of his fate, the Indian ordered his brains knocked out. Suddenly the chieftain's daughter, Pocahontas, sprang forward, threw her arms about the prisoner, pleaded with her father for his life, and saved him. Whether this is true or not, Smith had many adventures, as any one may read in his

book. His maps are so accurate and his account of Virginia so exhaustive, that most of his stories of personal adventure have passed current as true. Smith's personal history takes its chief interest from Pocahontas, thus suddenly introduced. She proved a true friend to the colony, supplying it with corn at a critical time. Later she became the wife of one of the colonists, John Rolfe, visited England, and was received at court as an Indian princess. Several distinguished families of Virginia claim descent from her. Smith found it easier to outwit the Indians and to map the country than to manage the colony. One morning a yellowish substance was discovered in the bed of the river. It was pronounced gold, and the little colony at once went mad over the discovery. Smith protested that it was not gold, but he was laughed to scorn. A ship was quickly loaded with the ore and sped away to England, where the shining earth was at once recognized as an ore of iron commonly called "fool's gold." While the Virginians were digging fool's gold, Champlain was exploring the Mohawk Valley and Lake Ontario.

About this time Smith was chosen president of the council, but his vigorous measures were unpopular. Having met with a serious accident, he returned to England for medical treatment. The company continued sending over ship-loads of colonists, but they did not bring prosperity. After Smith's retirement, the colony speedily came to want. Over four hundred persons died within six months. The few who remained, about sixty in number, looked daily for a ship that would take them home. One came, bringing colonists and supplies, but on learning the condition of affairs the captain took the survivors on board and turned the prow of the ship toward England. By a curious accident, the ship met Lord Delaware with a fleet coming up the river, and bringing colonists, cattle, supplies of all kinds, and a new charter creating him governor of Virginia. Thus in 1610 the colony was preserved, just as it was about to be abandoned. Delaware was a soldier and a stern man, and he was rapidly bringing the colony into a prosperous condition, when ill health compelled him to return to England. He came in June, 1610, and returned in the following March.

It was during these few months that the fate of the colony was settled. Its prosperity began. A sterner soldier, Sir Thomas Dale, succeeded him, and ruled the colony for five years with military discipline. Many of the colonists were of the criminal class, for the company was not particular about its immigrants. Dale broke up the communal system, and gave every man land to cultivate as his own. As every man was now a land-owner, he began to express his opinions with freedom. Dale found tobacco in cultivation, and recognized the value of the plant to the colony. It is said that John Rolfe, in 1612, was the first to cultivate the wild plant. Soon tobacco culture was the chief occupation of the people. Even the streets of Jamestown were planted. The Virginians discovered that they could raise something that would sell in England, for the habit of smoking, said to have been introduced by Raleigh, had spread so rapidly that tobacco was in great demand.

The new charter widely extended the colony. Instead of a grant a hundred miles square, the company now was given the region two hundred miles north and south from Old Point Comfort, and from sea to sea. This became the basis, later, of Virginia's claim to the Northwest. But the new charter also contained other important provisions which affected the government of the people and the future of America.

The colonists were empowered to choose delegates to a general assembly—two from each borough. On the 30th of July, 1619, the delegates met in the church at Jamestown and organized the Virginia House of Burgesses—the first representative assembly in the New World. This was an event of greatest importance, for the people could now make their own laws. The present legislature of Virginia is successor to this "Little Parliament," by an unbroken line of assemblies. The title House of Burgesses continued until 1830. Of course, if the first English colony had an assembly, all later ones would demand one. The first act of this assembly was to repair the church. This meant a tax and an appropriation. Soon followed laws fixing the prices of tobacco and other commodities; also fixing wages, penalties for various offenses, and the quali-

fications for voting. These laws, by the terms of the new charter, were to be in force unless disapproved by the crown. The house could make any laws "not contrary to the laws of England." This liberal charter was exacted from the company by the condition of the colony. Its affairs had gone so badly that immigrants refused to come, and those in Virginia threatened to return to England. The company therefore gave the people a voice in public affairs. Popular government was thus the fruit of industrial conditions.

At this time slavery in some form prevailed in every country in the world. Columbus had enslaved the natives as soon as he could catch them, and African slavery had long been a recognized part of the institutions of New Spain. Cargoes of slaves in Dutch and Portuguese trading ships were continually arriving at Havana. Hearing of a new colony in Virginia, a Dutch slaver, eager for a good market, appeared in the James River in August, 1619. Twenty slaves were sold—the small beginning of an evil which rapidly spread over the English colonies, became an established American institution, and for years made the United States a slave-holding republic. It seems strange that at the very time representative government was established in the colonies slavery should have been established also. Few then thought slavery wrong, or that the slave had any more rights than any other property. The world was a great slave-holder throughout the seventeenth and eighteenth centuries, and during the greater part of the nineteenth. Nor were negroes the only slaves in Virginia or in the other colonies. On account of the crowded condition of English jails, many convicts were transported to America and sold for a term of years as "indentured servants." White slaves and black worked side by side in the tobacco fields. Sometimes the whites, on becoming free, acquired property and social position in the colony. Many led a miserable existence, and their descendants were called "poor whites." White slavery ceased about 1700. Till that time negro slavery was held in check, because white slaves were often the cheaper. But negro slaves were preferred, and at the close of the seventeenth century there were upward of three thousand of them in Virginia.

King James was greatly incensed when he discovered that the company had given the Virginians a charter permitting a popular assembly. He brought many accusations against the company, and determined to get rid of the charter. This was not easy, because many wealthy merchants and powerful noblemen had become members of the company under the new charter. But in 1624 subservient judges decided in favor of the king, declared that the colony had been mismanaged, and annulled the charter. The king then took the place of the company and assumed control of Virginia. He began writing an elaborate code of laws for the colony, but died in the midst of his work. Though Virginia was a charter colony only fifteen years, this was long enough for popular government to get a lawful and vigorous start. The local Virginia council, under the first charter, was appointed by the directors of the company in London. The chief officer of the local council was elected by its members, and styled president; that is, chairman. Two hundred and eighty years later, the most famous Virginian, George Washington, was chosen chairman of the convention in Philadelphia that framed the Constitution of the United States. By that instrument our chief executive is styled the president. Two years later, Washington was chosen to the office. Virginia thus furnished the original title of our highest office, and long afterward the first of our presidents. The title president was taken up by the people in other colonies, and given by some to the governors, by others to the chairmen of their assemblies.

The new king disliked popular government in any form. He wished to rule without Parliament or House of Burgesses. Sir John Harvey, his first governor for Virginia, in 1629, violated the rights of the people so seriously that the king was compelled to recall him. In 1642 he sent over Sir William Berkeley, a very able man, popular but severe. He greatly improved the manners of the colony, but steadily repressed popular government as much as he could. "I thank God there are no free schools nor printing presses" (in Virginia), said he, "and I hope we shall not have them these hundred years." He knew that schools and a free press are the life of free institutions. He did not want the Vir-

ginians to do their own thinking. But like his master, King Charles I., he met with difficulties. Civil war broke out in England, and Charles was forced to summon a Parliament, which, because it was not dissolved during twenty years, is known as the "Long Parliament." For six years king and Parliament were at war. In 1649, after an exciting trial, the king was convicted of high treason and executed. The commonwealth was established, and Oliver Cromwell became lord protector. These changes greatly affected English colonial affairs.

For eleven years the colony practically controlled its own affairs. The House of Burgesses was supreme, and gained an ascendancy which it never lost. Though England was a commonwealth only eleven years, this was long enough for popular government to become firmly established in the colony. During this time the king's friends, the cavaliers, in England were out of favor and power. Many who had fought for Charles preferred to immigrate to America rather than to live under Cromwell and the Puritans. They came to Virginia. Among them were the ancestors of Washington, Lee, and some other leaders of the American Revolution. Among the members of the first House of Burgesses was a Jefferson. A century and a half later, Thomas Jefferson, his descendant, wrote the Declaration of Independence. The cavaliers who came to Virginia were not admirers of popular government. They were of the king's party in the colony. But as time passed, their descendants joined with those of the burgesses in defense of colonial rights. The cavalier influence in Virginia gained control of the House of Burgesses about the time the commonwealth came to an end.

With the return of Charles II., who at one time had been invited by the cavaliers of Virginia to set up his throne there, and had seriously thought of accepting the invitation, the House of Burgesses elected Berkeley governor, largely to please the king. Berkeley had not changed. He was hostile to the house, and for fourteen years managed to get along without it, by adjourning it every year as soon as it convened. In vain did the people protest, for the royal governor had power to adjourn the assembly at

his pleasure. A century later, Jefferson in the Declaration of Independence mentioned the abuse of the power to prorogue the legislature as one of the causes of the Revolution. When the colonies became states, their constitutions forbade the governor to adjourn the assembly, and the provision is found in every state constitution to-day. Suddenly Charles surprised the Virginians by giving them and their country to two of his favorites, Lord Arlington and Lord Culpepper. The Virginians were not consulted. The grant was for thirty-one years. At this time the colony had a population of forty thousand. After all, the House of Burgesses seemed to be of little account. At this critical moment an Indian war broke out, and the frontier was ravaged, but Berkeley would do nothing. He feared to call out the militia lest it might turn against him for his high-handed acts. Driven to self-defense, the people volunteered, organized the militia, and chose Nathaniel Bacon to lead them. He dispersed the Indians, but while fighting for the colony was declared a rebel by Berkeley. The wrath of the people now broke out; the governor withdrew his proclamation, but continued hostile to Bacon and his friends. Bacon was elected to the assembly, and there aided in preparing a memorial to the king setting forth the governor's tyranny. The savages were again attacking the settlements, and Bacon again led in a campaign against them. Civil war broke out. Jamestown was burned, the people willingly setting fire to their own buildings rather than submit to Berkeley's misrule. Suddenly Bacon died of fever, and affairs quieted down, but not before the governor had hanged above twenty people for treason. His act was disapproved by the king; he was recalled and sternly reprimanded for his folly and cruelty. The royal disfavor was a fatal blow to Berkeley, who died soon after. The Virginians attributed the whole trouble to the governor's treatment of the House of Burgesses. They insisted that the house had fought for their rights and liberties. Bacon was the first Englishman in America to take arms for the ancient and undoubted rights of the people of the colony. His death, in 1676, was remembered as that of a martyr for liberty. Other causes contributing to Bacon's rebellion were the low price of tobacco; the scar-

city of money in the colony; the excessive prices charged by English merchants for their goods under the monopoly which the trade laws of Parliament established, and above all the prerogation of the assembly and the high poll taxes which the House of Burgesses felt obliged to levy in order to meet the obligations which the king's transfer of the colony to Arlington and Culpepper involved. Bacon's rebellion subsided, and the more quickly under the stern hand of the colonial governor, but memories of it lingered among the people, fell like seeds on republican soil, and sprang up among the elemental ideas of liberty in the Old Dominion. When, just a hundred years after the outbreak of the rebellion, the Declaration of Independence, written by a Virginian, was given to the world, the seeds sown in Bacon's struggle had blossomed, and the fruit was to mature soon after in the constitutions of government which the American people framed and adopted.

The weary century was filled with political lessons, not only for the Virginians, but for the people of the other colonies as well; and first came the hard experiences under the navigation acts which began to bear down the Americans in 1676. Much of the history of the next hundred years is of the king's attempts to execute these acts in the colonies. Here were involved questions of the power of the assemblies and of the prerogative of the crown. Governor Berkeley's hard treatment of the Baconian party transformed many of its opponents into sympathizers. In the resolution of political and social forces in Virginia, which came more or less slowly after the rebellion had been stamped out, it was discovered that the elements of the struggle had not perished. The House of Burgesses still stood for one idea, one political system, and the royal governor for another. Even the removal and recall of Berkeley, in 1679, did not bring permanent harmony. Berkeley's successors, among whom now and then was one who made Virginia his home, looked upon the province as a means of founding or mending their fortunes. Their sole thought was to put money in their purses. Ceaseless contentions with the assemblies followed. The governor was ever appealing to the king; the assemblies ever were relying on the firm

republican support of the electors. Arlington and Culpepper played at governorship, and lost the game.

The navigation acts speedily brought a train of disasters upon the colony. They cut off its trade with the whole world, excepting England. One effect, in 1680, was an overproduction of tobacco and a glut in the market. The navigation laws forbade opening up a new outlet, and the assembly was forced to attempt the impossible—to regulate prices, and the areas which from time to time should be planted to tobacco. The result was the Plantcutters' Riot of 1681-82, which overspread the lower plantations. The young tobacco plants were destroyed by the mob, till the militia having been called out and several plantcutters hanged, the excitement subsided. No one seems to have suggested the repeal of the navigation act, and the consequent extension of the market.

The assembly stoutly maintained its rights to levy taxes, and the governors breathed no objection aloud so long as the appropriations included a fat salary for themselves. Even a small one seemed satisfactory to the notorious Lord Howard of Effingham, who decided to remain in England, draw his salary as governor, and rule Virginia through a deputy, choosing Francis Nicholson, lately of New York, who departed when the Andros government came abruptly to an end under Jacob Leisler. Nicholson came, and a merry time he had in his attempt to rule the Virginians. It was at the beginning of his administration, in 1689, that James Blair, a Scotch clergyman, who had been appointed to the charge of the church in Virginia, arrived. He had powers akin to those of a bishop, and exercised judicial functions in ecclesiastical cases. Two years after his coming he entered upon the noble work of founding a college, and after two years' labor in the colony and in England, raised a sufficient sum to start the institution in 1693, called in its charter William and Mary College. It was located at Williamsburg, a town founded in the year of the founding of the college. Between Nicholson and Blair there raged a conflict of principles and practices which could not be harmonized. Nicholson was recalled in 1705.

The first commencement was held in 1700, fifty-seven

years before the first held in any other college south of New England.* William and Mary speedily became the intellectual center of the South. It was the first college in America that assumed the methods and ways of a modern university: instruction by lectures, the elective system of studies, the teaching of history and political science by a special professor, and the adoption of a non-sectarian policy. Among its famed professors, during the years just before the American Revolution, was George Wythe, who became chancellor of Virginia. He was the first professor of municipal law in America, but he is better known as one of that incomparable body of men who framed the Constitution of the United States at Philadelphia in 1787. Among those who read law with him were Jefferson and Madison, John Marshall and Henry Clay. William and Mary College trained many young men who attained great eminence—among them Jefferson, Marshall, James Monroe, and John Tyler.

Before Francis Nicholson vanishes from the scene, let us remember that he was one of the first men to plan a union of all the English colonies, in 1689. It was on a military basis, and was solely to protect them against the power of New France. William III. thought so highly of it that he urged its adoption; but the time for American union had not yet come.

In 1710 a new governor arrived in Virginia, a man of a different type from any of his predecessors—Alexander Spotswood. Though differing frequently with the assembly, his intercourse with that republican body was more harmonious than the colony had ever known to exist between the executive and the legislative. He took a great interest in the material progress of Virginia, and especially the development of its resources. He encouraged the planting of vineyards, the introduction of fruits, and the establishing of iron furnaces. No other royal governor in America equaled him in such undertakings. Had his industrial

*The college in Philadelphia, afterward (1779) named the University of the State of Pennsylvania, and in 1791 the University of Pennsylvania, Washington, Government Printing Office, 1893.

sagacity been shared by other governors, and especially by the crown and the ministry, the Revolution of 1776 would have been long delayed. But the spirit of the navigation acts was deadening to all such efforts.

Virginia lay at a safe distance from New France; indeed, the middle colonies and New England were her ramparts. Her people were thus exempted from the terrible strain which weighed upon their brethren farther north. The Virginia mind ripened all these years, and fruited in that wonderful body of men who led the American Revolution. The continental aspects of American life were clear to Jefferson and Washington and their associates. The philosopher of the Revolution was a Virginian, as one would expect from the history of America. Jefferson personified a mental type rare in the New World as in the Old. But such a man as he could not have been produced outside of Virginia. If we would trace the history of the American mind from the time of the settlement at Jamestown, 1607, to the time of the inauguration of our present national government, 1789, we need not go outside Virginia. Its development was normal, in so far as that of any colony could be under English law during that time in the world's history. The New England mind may have been theologically more subtle, but it was no more robust or cosmopolitan. The middle colonies were amidst too fierce an international turmoil, the conflict between France and England for the possession of the continent, to permit the growth of that philosophic calm which distinguishes Jefferson as an exponent of American political thought.

With the outbreak of the final struggle between England and France, in 1753, Virginia, like her colonial neighbors, rises to new importance and emerges from provincialism. Henceforth her local contests are insignificant, and she is swept into the grand current of continental events. The century since Bacon's rebellion was swiftly closing, and republican ideas were springing up like armed men. We must turn from the tide-water plains and the rich valleys of the Old Dominion, and follow her sons into that greater world in which they were to play the leading part in the founding of a new nation.

The claims of Virginia and New France conflicted. Both claimed the Ohio Valley. In 1749 a great English company was formed, called the Ohio Company, which obtained a grant of half a million acres on the Ohio River. It lay within the French claim. This grant was one of the causes that precipitated the French and Indian war. Hearing that the French had built a fort within the Ohio grant, Governor Robert Dinwiddie sent George Washington, then just of age and adjutant-general of the militia of the colony, to investigate the facts. This famous winter journey was the first act in the great struggle between England and France for the ownership of North America.

Tobacco was the currency of the colony and the standard of values. In 1755, the legislature fixed the price of tobacco at twopence a pound, but on account of scarcity it rose to sixpence, but as all debts were lawfully payable by the lower standard, debtors were enabled to escape paying two-thirds of their debts. The rating of tobacco was changed again by the legislature in 1738. Now as the clergymen of the established church in Virginia were paid in tobacco, they suddenly found themselves deprived of a large portion of their income. At last the whole question came up, in a test case, before the court of Hanover County. The plaintiffs were the clergy. The defendants, too poor to employ famous counsel, took to their aid an unknown man, just admitted to the bar after six months' study. His name was Patrick Henry. The case was tried in November, 1763. Never was judge or jury more astonished than by this young lawyer, who told them that the law which gave tithes was bad. It was made by king and Parliament, and he said made the Virginians slaves to an outside power; Virginia ought to manage her own affairs. Henry said a great deal more, and won his case, not because he was on the side of the law, for he was not, but because he spoke the conviction of the majority of the people of Virginia. From this hour he was their idol.

When the French and Indian war was over, and Parliament prepared to tax America, Henry was the first in Virginia to give voice to the opinion of the majority of the people. Everybody has heard of his famous introduction

to the speech with which he presented his "Declaration of Rights" to the House of Burgesses in May, 1765: "Cæsar had his Brutus; Charles I. his Cromwell; and George III.—" Here he was interrupted by cries of "Treason! treason!" "May profit by their example," he calmly concluded. From the passage of these resolutions, Virginia divided with Massachusetts the early leadership in the cause of American independence.

CHAPTER VI

NEW YORK

1610-1689

At the time of the settlement of Jamestown, the Dutch were rivals of the English in the carrying trade, and therefore specially desirous of finding a northwest route to Asia. They had already secured a foothold in the East Indies. In 1609 a great commercial organization, known as the Dutch East India Company, equipped an expedition under Henry Hudson, an Englishman, who they hoped would find the northwest passage. In search of this, he explored the great river that bears his name as far as the site of Albany; but the lessening stream convinced him that he could not reach Asia that way. Passing down the coast, he entered Delaware Bay, which he explored, but with the same conclusion. His voyage was considered by the company to give them a title to the country, and the new region was called New Netherland. It lay within the domain of the Plymouth Company. Hudson's report was highly favorable, and a settlement was at once planned.

Unlike the London Company, the East India did not plan to colonize any part of America. It wished only to establish trading-posts and get control of the fur trade. A few Dutch traders ventured to come over in 1610, and made their headquarters in their ships; but in 1614 they built some huts at the lower point of Manhattan Island, and constructed a rude fort just south of the site of Albany. This they called Fort Nassau, after the stadtholder of Holland. Probably they were ignorant at the time of the strategic importance of the fort, standing as it did at the eastern entrance to the domains of the Five Nations—the powerful league which Champlain had so unwittingly offended five years before. It stood, too, at the head of navigation on the Hudson and at the point where the Indian

trails converged from the north, the east, the south, and the west. Whoever controlled this point would be master of the country from the Great Lakes and the Ohio to the Atlantic.

The profits on the furs from Fort Nassau caused a stir among the merchants of Amsterdam. A company was quickly formed, and secured a charter in 1614 which gave exclusive trading privileges in New Netherland. The profits were enormous; but after seven years the Dutch government granted a charter to a new company, called the Dutch West India Company, empowering it also to colonize the country. The new company succeeded to all the rights of the old one.

Colonization began in 1623, when some families, chiefly Walloons, arrived at Manhattan. Most of them went to Fort Nassau, and some passing beyond built Fort Orange, thus beginning the settlement which later was named Albany by the English. The new settlers on Manhattan were Protestants, and came to stay. They found a few log huts and built others. They called the place New Amsterdam, and it soon wore an air of thrift and prosperity. Before it lay a safe and capacious harbor where all the ships of Holland could lie at anchor. Occasionally an English ship sought refuge within it. When New Amsterdam was three years old, the West India Company thought it time to institute a government over New Netherland, and sent Peter Minuit as governor. A small Indian tribe, the Manhattans, owned the island. The governor bought it of them for sixty guilders, less than twenty-five dollars, and thus the Dutch secured a peaceful title. New Amsterdam now had thirty log houses and about one hundred and fifty inhabitants.

Like the French and the English, the Dutch at this time were accustomed to the feudal system, and now made it the basis of the government of New Netherland. The West India Company longed to receive a large sum of money in rent for the land, which it granted in large holdings, called wycks, to wealthy men, patrons, or patroons as they were called. These were to pay a perpetual rent. In turn, the patroons should collect rents from their tenantry. Some estates were a thousand square miles in area, and usually had a frontage on the Hudson or on the sea. A patroon

settled as many tenants as he chose and made his own terms with them. He was supreme in authority over his own estate and its tenants; they were tried in his court; they ground their grain in his mill, and they could not leave his estate without his permission. All his rights and titles descended to his oldest son. The patroon agreed to buy all his supplies from the West India Company, and his tenantry obtained theirs from him at his price.

Of course this system forbade manufactures in New Netherland, but after all it did not differ much from the colonial system of the English, and did not differ essentially from that of the French. The seventeenth century was the age of monopolies, and these, as they often do, bore hardest on the poor and the laboring classes. But the system assured a profit to the Dutch company, and that was its main purpose. The attitude of the company to the people of New Netherland was exactly that of Europe to America till the independence of the United States. Is it strange that, after living under such a policy for a century and a half, the people of America should revolt against it? There was more to this Dutch policy. The colonists were required to pay a duty on all skins they exported. England later collected a duty on colonial exports, unless they were sent directly to England. Bacon's rebellion in Virginia was a protest against this tax on exported tobacco.

Such is the character of the Dutch, that the feudal system worked better in New Netherland than anywhere else in America. The great estates along the Hudson, that highway to Europe, prospered. The patroon lived on his estate in a large brick mansion, amidst gardens laid out in the Dutch style. But in winter he went to his house in New Amsterdam. There comforts and many luxuries abounded. The shops excelled any to be found elsewhere in America. The ideas of life were quite unlike those held by the Puritans in New England, or even by the Virginians. New Netherland displayed more luxury than any other colony. The tenant took life, as it were, made to order. He did not discuss religion or politics or trade. He sometimes ventured an opinion of the patroon. But he patiently paid his rent in kind, took the law as it was laid down to

him, and resumed his work. Negro slaves were sold in New Amsterdam almost from its beginning. They were domestic servants, and rarely field-hands as in Virginia.

For books and reading, the patroon did not care, but he was not wholly an illiterate man. His arithmetic was all practical. He measured and weighed with accuracy, and if by chance he put his foot on the scales when he bought of an Indian, his conscience did not trouble him. The Indian was a shiftless wretch at best, he thought, but he lived in peace with him. The Mohawks and their brothers of the Five Nations got their guns and ammunition from the Dutch, and many a keg of powder and many a pound of lead received in barter at Fort Orange played havoc with the Hurons and the French in Canada, and with the English in Connecticut and Massachusetts. For sixty years New Netherland prospered as the Dutch wished; then came a brief contest, and the name disappeared from the map forever. But these were quiet years which tradition has filled with quaint characters and legends. Rip Van Winkle is more real to us than Captain John Smith or Miles Standish, though he owes his immortality to Washington Irving and Joseph Jefferson.

By the terms of their charter, the West India Company received the Connecticut Valley, and they early began to explore it. Game of all kinds abounded; it was an untouched wilderness and a tempting region to the Dutch fur traders. The Indians liked the Dutch better than the English, for the Dutch willingly sold them guns, powder and ball, and in no wise interfered with them. Unlike the English, they did not attempt to govern the Indians, or to enslave them, or to seize their lands for nothing, or to convert them to Christianity. All the Dutch wanted of the Indians was more fur-skins. Whatever increased the supply they willingly sold to the savages. The English, on the contrary, were ever seizing the Indians' land without compensation, and cared little for their furs. Thus it soon came about that the English began to suffer from Dutch guns in the hands of the savages, and the Puritans classed the Dutch and the Indians together as the most dangerous foes to New England. To the north, the French in Can-

ada had the same feeling toward the Dutch for selling the firearms that kept New France in constant terror. By 1633 the Dutch were pretty well acquainted with the Connecticut Valley. Their trading-posts were scattered along the river, and where Hartford now stands they had built a strong fort. As was their custom, the Dutch bought the land on which their fort was built, in this instance from the Pequots. When this powerful tribe rose, with fearful slaughter, against the English, not a Dutchman was in danger. What few guns the Pequots had were of Dutch pattern.

Though the Dutch knew nothing of popular education, they early made provision for church schools, as in the establishment of the School of the Collegiate Reformed church in New Amsterdam in 1633. This was two years before the founding of the Boston Latin School and three years before Harvard College. The Dutch cared almost solely for trade, and the West India Company sternly repressed any signs of discontent or liberty among the settlers. It held its governors to strict account. In spite of the urgent demands of the company, the Dutch gradually withdrew from the Connecticut Valley and the English took possession. The New England Union of 1643 made it practically impossible for the Dutch to regain the valley. At this time New Amsterdam contained about a hundred houses and about five times as many people, who then, as now, were of various nations. English, Dutch, French, Spanish, and German might be heard in the city, and Indians of various tribes frequented the place. Already the harbor was the most famed on the Atlantic coast. The West India Company's policy was shortsighted, for it denied rights in New Netherland which were commonly exercised in Holland. Therefore the better class of settlers would not come from Holland. The home government soon detected the obstacle in the way, and opened up the country on easy terms to all who chose to come. This meant the death of the patroon system. New Netherland now began to gain rapidly in population. The Indians parted with their land freely, and that along the Hudson from New Amsterdam to Fort Orange, and along the larger tributary streams, was mostly taken up in private ownership by 1647,

in which year Peter Stuyvesant was appointed governor. By this time the settlers were earnestly demanding some form of representative government. With this demand the governor had no sympathy, but to keep the peace he allowed the land-owners to elect eighteen councilors, from whom he chose nine to act as an executive council. Through their efforts, the home government and the West India Company made concessions, though not very willingly. The export taxes were reduced, and the wealthier of the land-owners were permitted to elect magistrates. However, Stuyvesant did not think the government or the company in earnest, and took the choice of magistrates into his own hands. In like manner he repressed religious toleration by expelling all Quakers from New Netherland and by imposing fines and otherwise terrifying all who did not accept the teachings of the Dutch Reformed church, the established Protestant church of Holland. He vigorously extended the authority of New Netherland southward as far as Delaware Bay, in 1655, reducing the Swedish colonies to submission. In these years, 1696-97, the Puritans were persecuting Quakers, Lutherans, and Episcopalians in New England; they were persecuting Roman Catholics in Maryland, and Episcopalians were intolerant of Puritans in Virginia. Governor Stuyvesant was quite in the fashion, after all. The poor Quakers and Roman Catholics were in trouble in every colony. However, the Dutch government did not approve of Stuyvesant's imprisonment, fining, scourging, or flogging of Quakers, and at last ordered him to retract his fiery proclamation; to free his prisoners; to remit his fines, and to conduct himself in a more Christian-like fashion. But he behaved under protest.

The trials of Governor Stuyvesant now came thick and fast. In 1664, England put forward a formal claim to all New Netherland on the ground of Cabot's discovery of North America nearly two centuries before. It was a bold stroke, sustained by a powerful nation. Holland protested, but in vain. New Netherland lay between New England and Virginia. If it became English territory, all the vast region from New France in the north to New Spain in the south would be bound by a compact chain of prosperous

English colonies. Without consulting Holland, Charles II., by charter, suddenly gave all New Netherland to his brother James, then Duke of York and Albany, and soon afterward James II. In 1664, a fleet in command of Colonel Nichols was sent to take New Amsterdam. Stuyvesant was furious, and strove to awaken resistance. He declared that he would rather be carried out dead than surrender the fort. The West India Company had lost its opportunity, and nobody loved it well enough to fire a gun in defense of New Amsterdam. The people believed that they would be happier and more prosperous under English rule. So the Dutch flag came down and the English flag went up, amidst the roar of English cannon in the bay. Then followed a change of names. Fort Orange was called Albany; New Amsterdam, New York City, and New Netherland, New York. Thus for a time New York included the present state of that name, also New Jersey, Pennsylvania, Vermont, and portions of Massachusetts and Connecticut.

The change brought the common law of England to New York. In 1665 a code was drawn up, known as the Duke's Law, which guaranteed the rights of trial by jury; freedom of worship to all Christians, and equality in taxation. All able-bodied men were liable to militia duty. The people wanted an assembly, like that of the Virginians. The Duke of York promised a charter and an assembly with the usual powers, but on becoming king he refused to allow the charter to issue. An assembly had been elected, but the duke, now James II., ordered the governor to dissolve it. Thus as early as 1685 the struggle for popular government began in New York. With the accession of William and Mary the people were allowed to have an assembly. James had consolidated New York with New England and New Jersey, under Sir Edmund Andros as governor. With the accession of William and Mary this union ceased.

The intrigues and wars of Europe were felt in the forests of America, and powerful Indian tribes were persuaded to league themselves with the French against the English and with the English against the French. Louis XIV. tried in every way to make North America New France. He sent his emissaries among the Five Nations, and won all,

except the Mohawks, to take arms against the English. Frontenac, governor of Canada, planned the conquest of New York. A French fleet should attack New York City. A co-operating force of French and Indians set out for Albany, but it was too strong for an attack. They burned Schenectady and spread alarm through the frontier settlements. While this expedition was ravaging the northern part of the colony, no assembly was in session. News of the accession of William and Mary had reached New York, but Nicholson, the governor, would not acknowledge the authority of the new monarchs and remained true to James II. At this crisis, in 1689, Jacob Leisler, the captain of a military company, proclaimed William and Mary, and called a colonial Congress to assemble in New York City to consider the state of the country. Delegates came from Plymouth, Massachusetts, and Connecticut and met in the first American Congress. It decided to send an army against Canada. While Leisler was directing affairs, an English ship arrived. Its captain claimed that he represented Colonel Sloughter, whom King William had appointed governor of the colony, but the captain showed no commission for his demand. An insurrection followed and several people were killed. Early in the spring of 1691, the new governor arrived, and Leisler promptly surrendered the fort to him, but he seized Leisler and accused him of high treason. Public opinion was divided. Leisler was hanged, as his followers claimed, because he stood for liberty. This was fifteen years later than Bacon's rebellion in Virginia. The event was long remembered. New York was obliged to defend herself against the French. From this time on, for sixty years, the entire colony west of the Hudson was in constant danger from invasion. The governor of New York was usually at Albany and much engaged in military affairs. It was clear that a great contest between France and England was at hand, and it looked as if New York would be the battle-ground of a war for the continent. During all these years the assembly and the governor were in constant struggle. The governor insisted on more liberal appropriations. The assembly, after 1739, made all appropriations specific; thus the governor could not pocket any of the

public money. The people sided with the representatives. Immigration to New York steadily increased during these years of political dissensions, and population was cosmopolitan from the first. For many years the great Dutch estates along the Hudson remained intact. This caused immigrants to settle in New York City, or to pass farther west than the estates. Thus the interior of the colony, southwest of Albany, was taken up by settlers, but all avoided the immediate neighborhood of the Five Nations—that is, the upper Mohawk Valley, the lake region, and the valley of the Genesee. Thus in the middle of the eighteenth century the colony was settled over an area but slightly larger than that of the old Dutch occupation.

CHAPTER VII

THE NEW ENGLAND COLONIES

1602-1690

The Plymouth Company was less successful than the London Company in making a settlement. At the time when the London Company sent a colony to Virginia, the Plymouth Company had sent one, through the activity of Sir John Popham, Chief Justice of England, and Sir Ferdinando Gorges, a soldier in command of the garrison at Plymouth. This colony located at the mouth of the Kennebec River, but it was in no way prepared for the severe climate or the hardships of the place, and returned to England with a discouraging report. Even earlier than this English ships had occasionally touched at points along the coast. Bartholomew Gosnold, in 1602, named Martha's Vineyard and Cape Cod, but gave up an attempt to settle there. Captain John Smith, who it will be remembered had gone home for medical treatment in 1610, soon recovered, and in 1614 returned with two ships of the Plymouth Company and explored the coast from Cape Cod to the Penobscot River. To this region he gave the name New England.

Thus, after 1614, there were within the present boundaries of the United States three loosely defined domains, New Spain, New France, and New England.

Captain John Smith had made a map of the coast which was remarkable for its accuracy. He named one river the Charles, after the young Prince of Wales, and named Cape Ann and Plymouth, where a few years later the pilgrims decided to settle. This was Smith's last service in America. He had saved the Jamestown colony and helped prepare the way for the settlement of New England. It is not strange that Americans remember him as one of the foremost men in his time. Until New England, his new name for the country, came into use, it was often called North Virginia.

In Smith's time, religious liberty as now understood existed nowhere in the world. Holland allowed the greatest amount of religious freedom. England exacted conformity with the established church, which then, as now, was the Protestant Episcopal church, and everybody was by law bound to attend its services and to pay tithes or taxes for its support. The law rigorously ignored the right of private judgment in religious matters, and bore hard upon all who could not conscientiously accept the teachings, the ceremonies, and the exclusive claims of that church. Three classes of people suffered: first, the Roman Catholics, who could not accept the creed of the established church; secondly, the Puritans, who objected to some of its doctrines, but more particularly to many of its ceremonies, and thirdly, the Separatists, who objected both to its creed and its ceremonies. Differences in religious opinions are among the chief subjects of English history during the seventeenth century. Indeed, it may be said that this century was one of prolonged religious discussion, dissension, and dispersion.

The English government, with the royal family at the head, was composed of the adherents to the established church. There seemed no room, and there certainly was neither comfort nor safety, in England for those who dissented from the established order of things. Catholics and Puritans therefore suffered, and matters grew steadily worse. Then there was talk of migration to a friendlier country. The first to move were the Separatists, who, about the time of the settlement at Jamestown and for a few years afterward, escaped as best they could to Holland. They came from many parts of England, but chiefly from the eastern and southern counties. Many of them did not seek Holland till they had been stripped of their property; had been many times in the pillory, in the stocks or in prison, on account of their religion.

The English government treated them like criminals, and all because they desired to worship God according to their own consciences. For a time they gathered as refugees in Holland, and principally at Leyden; but they knew that in time their children and grandchildren would become Dutch, and they wished them to remain English. So they

turned their thoughts to America and resolved to settle there. Their decision was hastened by the prospect of a religious war between Holland and Spain, which threatened to break out at any time. Their chief desire was to live in a land subject to English laws, where the English language would be used and all the dear old customs of their English home might continue. They hoped that the intolerable laws would at last cease, for they were loyal Englishmen, and knew many of the best men in the kingdom sympathized with them.

Virginia offered a secure retreat: not the southern part, for there the established church prevailed, and they would be no better off than in England; but in northern Virginia, or New England as they were now calling that country, in the land granted to the Plymouth Company, they decided to look for a new home.

Few of the Separatists in Holland were men of wealth, but poverty did not deter them. They were compelled to make a hard bargain for their passage to America. The best terms they could make with the London money-lenders would have deterred less resolute men. They could be transported to America, to some place near the Hudson River, provided they would sign an agreement to give to the money-lenders one-half of all accumulations of the next seven years; every man was to work six days in the week. At the end of the period, the immigrant was not to own the land he had cultivated unless the Plymouth Company chose to give it to him on its own terms.

Though the Pilgrims thus practically made themselves indentured servants to the brokers who lent them money, they willingly preferred this hardship to their prospects in Holland or England. All things at last being ready, on the 16th of September, 1620, they sailed from Plymouth, England, in the *Mayflower*. Besides the crew, one hundred and two persons were on board, of whom about a dozen were hired servants. After a stormy voyage they came to land near Provincetown, on Cape Cod, on the 21st of November. This was quite accidental, as they had started for some point farther south, in what is now known as New Jersey.

Finding themselves within the grant of the Plymouth

Company, and knowing that this company wanted settlers, they decided to remain and select a home. While at anchor in Provincetown Bay, they drew up a compact or constitution of government in the cabin of the Mayflower, the first agreement of the kind made in America. As loyal subjects of England, they agreed to abide by whatever laws they might draw up "for the general good of the colony." John Carver was chosen governor. Thus they began self-government and laid the foundation of the first New England commonwealth.

Meanwhile, the captain of the Mayflower, anxious to return, became roughly impatient, and constantly insisted that the Pilgrims leave the ship, as his part of the contract had been performed. But the land near them was bleak and barren, and therefore they sent out an exploring party to discover a more hospitable place for a settlement. Captain Miles Standish, one of the chief men among them, set out with a small company in a boat and explored the shore. Reaching the point which John Smith had called Plymouth, the party, not without difficulty, made a landing, and to this point, on the 21st of December, the Mayflower brought them all. Tradition says that they landed on the boulder which, now known as Plymouth Rock, has for many years been preserved and marked by a monument.

The Pilgrims gladly hastened ashore. For them and for America Plymouth Rock was the stepping-stone to a new and better order of things. It lay at the threshold of liberty, education, and self-government, but these blessings seemed a long way off. Before spring, half the colony was dead, and the rude fireless huts were reminders of the sickness and death of their companions. Governor Carver was among the dead. Indians were frequently seen hovering about. Had it not been for the discovery of some buried Indian corn, the colony would probably have starved to death. But no one went back with the Mayflower.

In the spring, the various families set about building substantial log houses, so that in a short time each family was in a home of its own. No man depended on England for his supplies. Each relied on himself. There was no thought of abandoning New England.

William Bradford was chosen governor in 1621, and annually for the next thirty-six years, with the exception of five in which he declined election. Early in May the men of the colony met in town-meeting to discuss public affairs, to make laws, and to choose town officers. This introduction of the town-meeting was a most important event in our history. It meant that local self-government was to prevail in New England, and ultimately in all parts of the United States that have felt the influence of New England.

This belt in which the town-meeting exists in some form coincides closely with the belt originally granted to the Plymouth Company. The town-meeting differed from the House of Burgesses in being democratic instead of representative in character. The people of Virginia have never met in town-meeting. The people of New England began with the town-meeting. There all the freemen met as equals and became familiar with the wants of the town and participated in the discussion of public matters. Thus the town-meeting became the citizens' training-school.

While the Pilgrims were thus engaged in getting a start in the wilderness, the neighboring Indians, shortly before greatly diminished in numbers by an epidemic of smallpox, determined to attack Plymouth and destroy the settlement. Canonicus, their chief, sent a bundle of arrows tied with a rattlesnake-skin as a declaration of war. Bradford returned the compliment by stuffing the skin full of powder and ball, and sent it to the chief. The Indians had heard the English guns, and attributed a mysterious power to gunpowder. Bradford's message was received with respect, and Canonicus decided not to go to war. With most of the tribes Bradford made treaties, and one of them, with Massasoit, was unbroken for fifty years.

The Indians' respect for these treaties was largely due to their fear of Captain Miles Standish and his army of twelve men. Though small, it kept the neighboring Indian world in awe, and its captain's military reputation has outlived that of thousands of Americans who have commanded far greater bodies of troops. Standish wasted no ammunition, and he and his men were thorough Indian fighters.

Before seven years were over, the Pilgrims had so prospered that they decided to buy the shares of the English merchants in the colony. The terms were even harder than those they had made to secure passage in the Mayflower. They had to pay from thirty to fifty per cent interest on the money which they borrowed in London, and with which they now made the purchase. But they willingly made the sacrifice. Henceforth every man could own land for himself and be independent.

All the Pilgrims were Puritans, but all Puritans were not Pilgrims. Only those who settled in Plymouth have been given the title Pilgrims. They compared themselves to the Children of Israel, who for many years were pilgrims in a strange land. Plymouth never became a large colony, and it merged in Massachusetts at last, but its history is of a mighty beginning, for it stood for high principles and human rights. As long as the history of our country is read, the story of Plymouth will remain one of the most interesting chapters. The greatness of men often lies as much in what they attempt as in what they accomplish. While all the Pilgrims were Puritans, we shall soon see that only a few Puritans were Pilgrims.

The English reformers, or Puritans, multiplied fast after the accession of Charles I. The king was hostile to them, but so was he hostile to the law of the land, for he tried to rule without Parliaments. The Puritans, therefore, found themselves only a part of a large company in the kingdom who stood for the ancient rights and liberties of Englishmen. These forces combined caused the downfall of the king and established the short-lived commonwealth. Many Puritans desired to follow whither the Pilgrims had led the way, and before the seventeenth century was half gone, various parts of New England were settled by vigorous Puritan communities.

The usual method of emigration was for a church, consisting of from twenty to a hundred families, with their minister, to unite in making the voyage to New England. They hired a ship, took their household goods, their servants, and their domestic animals, and relying on the best maps and authorities obtainable, boldly set out for a home

in the wilderness. In this manner many of the older towns in New England were founded.

While the Pilgrims were building up Plymouth, English ships were bringing over little communities, each usually constituting a church, and these were settling along the coast and the rivers of New England. In 1628, John Endicott, of Dorchester, and some of his Puritan neighbors came over and founded Salem, which name they gave the place because they sought peace. Usually the Puritans called their new home in New England after their old home in old England, as is evident on comparing the maps of the two countries. Many of the New England settlements were made like that at Plymouth, without the authority of the king or of the Plymouth Company.

A number of wealthy Puritans having resolved to purchase a tract of country in New England, obtained the land between the rivers Charles and Merrimac, and westward to the South Sea. This purchase gave them the exclusive right to the soil. They petitioned the king for a charter as "The Company of Massachusetts Bay." Charles I. granted it, and thus they obtained the right to organize a government over their purchase. The charter empowered them to elect annually a governor, a deputy governor, and a council of eighteen, called assistants. Only members of the company could vote for these. Thus the Massachusetts Bay Company, like any corporation at the present time, was managed exclusively by its own members. Outsiders had no voice in its control.

The charter was remarkable in several respects. It authorized the company to establish a government of its own choosing and subject to its own control; and also, by omitting to specify the place where this government was to be set up, it gave the company liberty to establish it anywhere within English dominions. One important condition was prescribed by the king, and it was found in all English charters of later date: that though the colonists could make their own laws, these must not conflict with the laws and customs of England.

Whether or not the company intended to have its headquarters in England and to send colonists to America, as the

London Company had done, is somewhat uncertain. But all doubt came speedily to an end. King Charles began to show such hostility to the Puritans in England that they who had obtained the charter feared he would revoke it, and in 1629 they decided to migrate to New England and take their charter with them.

Large numbers of Puritans took advantage of the opportunity, and in 1630 made settlements within the bounds of the new purchase. Nearly a thousand came to Salem under John Winthrop, who was chosen first governor of Massachusetts Bay Colony. Many of the settlers were wealthy, and most of them brought abundant supplies. Never before had so large and so valuable a stock of horses, sheep, and cattle been brought at one time to this country. Charleston, Roxbury, Dorchester, and Watertown were founded in this year. At first, Governor Winthrop chose Charleston as the political center of the colony, but attracted by the advantages of the neighboring peninsula, which the Indians called Shawmut, he removed there, and called the place Tremont, because of its three hills, but the name was soon changed to Boston, after the old English city of that name, the home of many of the settlers. But Winthrop's name, Tremont, is preserved in the town to this day, in the names of a permanent street and of various institutions.

As the Puritans had left England chiefly on account of their opinions in religion, they immediately took care that no other opinions than their own should be tolerated in Massachusetts. Each town had one church of the reformed order. The ancient Episcopal form was greatly modified, and all who did not concur in the change and give it support were expelled from the town. "Being in the same church fellowship" was a saying in common use, and was a requirement carried out to the letter. The Puritans felt that as they had purchased the land and secured a charter, they were entitled to establish a state church to suit themselves. If a man believed differently in church matters, let him settle elsewhere. Thus all who came to Massachusetts were expected to conform to the Puritan church or to quit the country.

The Massachusetts Bay Colony rapidly increased in

population, but only those of church membership, and who had been admitted as freemen, were voters. Among the first buildings erected in a town was the meeting-house, used on the Sabbath day as a church, and on other days, as might be required, for civil business. The most important man in town was the minister, commonly called the parson—that is, the person of the town. He and the elders of the church decided on the admission of new members. No man voted in town-meeting who had not first been voted in as a church member. The Puritan reformation went to great lengths. The term parish, in familiar use in England, was abandoned, and no word was put in its place.

Each settlement was called a town, which usually was a rural district with here and there a village, the whole seldom having an area of more than ten square miles. To this entire area the term township was often given, and the larger villages within it were called towns. The township was the unit of civil measure, and its affairs were regulated in town-meeting. At first the town-meeting was held in the church, which was fort, church, and town hall all in one. The procedure in a town-meeting then did not differ essentially from that of to-day. It was the day of beginnings, when American civil institutions were getting under way.

The meeting was presided over by a moderator, or chairman. By his side were the selectmen, and the town clerk. The business was conducted according to parliamentary rules. The freemen, that is the electors, were privileged to make motions and to join in the debates. The younger men listened to their elders, and thus became familiar with the conduct of public business. As New England filled with settlers, they instituted the town-meeting, and thus from the first became accustomed to the rules of parliamentary order, to public discussion, and to self-government. Thus was established the means for political education of the voters, and our country has never known a better. Church and state were united in these early New England days. Unless a man was in church fellowship, he could not vote in town-meeting. Therefore, before he could be admitted as an elector he had to show a certificate of church membership signed by the minister.

The Puritans were an educated people. Many of them had studied at Oxford or Cambridge. Others had attended church schools in their old homes. A few of the humbler sort could not write. It does not appear that there were any who could not read. The chief book was the Bible, of which there were two versions, Tyndale's, and King James's then recent one of 1611. The latter was called the "New Version," and was not yet in common use. The Bible used by the Puritans was a large folio, heavy and expensive. No small edition existed. Familiar as they were with the Bible, the Puritans naturally made it the basis of all their laws, many of which were taken from the Old Testament with little change.

Offenses were punished with severity, and by the letter of the law an incorrigible child could be put to death. But the Puritans were better than their laws. Fully aware of the importance of education for a self-government, they made provision for free public schools from the first. Each town should support one at common expense. Many of the leading Puritans were Cambridge men, and in order that their children might have the best possible training, they decided to found a college. By vote of the town it was located at Cambridge, in 1636. John Harvard, in 1638, bequeathed the young college half his estate, about seven hundred and fifty pounds, and all his books, three hundred and twenty volumes, and by vote of the General Court the college was given his name.

In this humble way began Harvard University, the oldest in America. It was thought that the college would be a notable means of Christianizing the Indians, as it could educate young Indians to serve as missionaries. The conversion of the Indians was felt by the Puritans to be a Christian duty. The Rev. John Eliot spent many years in translating the Bible into the Indian tongue. The Indians and their language have passed away, and Eliot's Indian Bible cannot now be read. A few Indians studied at Harvard, and some became preachers to their people. Eliot's work and influence with the Indians was soon to prove a source of safety to the colony.

All the people of Massachusetts did not approve of the

conduct of public affairs. An increasing number objected to the exclusion from town-meeting of those who differed in religious opinions from the ruling party. Chief of these was Roger Williams, a popular minister of Salem. He boldly preached the doctrine of religious toleration and the separation of church and state. In this he was far ahead of the age in which he lived. Few in the seventeenth century dared to hold such ideas as his. Williams advocated a number of new theories. Churches, he said, should be supported by voluntary contributions of their members. No man should be compelled by law to support any minister; men are responsible to God, not to man, for their religious opinions, and every man should worship God according to the dictates of his own conscience.

The king, said Williams, had no right to give away any part of America. The Indians owned the land, and alone could rightfully dispose of it. Such ideas as these alarmed the ministers and magistrates, not of Salem only, but of all Massachusetts. Williams was ordered to leave the colony for England at once. Instead of complying, he fled, in deepest winter, southward among the Narragansetts, with whom he became friendly, whose language he learned to speak, and from whom he bought a large tract of land as a home for others who thought like himself.

During the winter of 1636-37, a great religious dispute broke out in Boston. Mrs. Anne Hutchinson took issue with several of the leading ministers of the ruling party, and dissension arose so high that the colony was threatened with civil outbreaks. Mrs. Hutchinson agreed mainly with the opinions of Williams. She was banished from the colony, and with her friends turned to the south. There they bought the island of Aquidneck and built a town which they called Portsmouth. Newport, at the opposite end of the island, was begun at about the same time. The region was called Rhode Island. People of liberal views, and some of these were exceeding strange, settled there, and being in mutual sympathy, they united with the people of Providence, forming the colony of Rhode Island and Providence Plantations.

After many hardships and a tedious winter journey

overland, Roger Williams reached the head of Narragansett Bay in the spring of 1636, and there laid the foundation of a new colony and a new town, which he called Providence. His idea was a novel one, to establish a colony in which religious liberty might be fully enjoyed by all. With unprecedented liberality, he made all men welcome, whatever their religious opinions. This was the first time in the history of the world that such a thing had been done. Rhode Island was the only colony in which freedom in religion was as ample as it is to-day all over the United States. This fact alone would place Roger Williams among the world's greatest men.

The government of the colony was with the heads of families. Only a married man could vote. Each town was governed through its town-meeting. As population increased, the right to vote, as elsewhere in America at the time, was limited to men who owned land. Williams obtained a charter for his colony in 1643. It was liberal in its provisions, and allowed the people of the colony to govern themselves, with the usual proviso that their laws must not be contrary to those of England. Under the charter the colony prospered, and in 1663 the king granted another, which confirmed the people in their religious freedom and made them all but independent. They elected all their officials, as did the people of Connecticut. When the Revolution broke out, Rhode Island had no royal governor to expel. The change from colony to state in 1776 was effected without change in the government except from allegiance to the king to allegiance to the colony. With this modification, the charter of 1663 continued in force till 1842.

Like the people of the other New England colonies, those of Rhode Island supported schools from the first. Brown University was founded in 1764, with a broad and liberal charter free from sectarian prejudices. No colony was more thoroughly permeated with the spirit of industry and independence. In the year when the university was founded, and when the question whether Parliament could tax America was already under discussion, Governor Stephen Hopkins denied the right in fearless language, and

twelve years later sealed his opinions by signing the Declaration of Independence.

In the year 1636, Charles I., who barely tolerated and never liked the Puritans, either in England or America, repented of his charter to them, and set about to annul it. He proposed to divide Massachusetts among his favorites, and chiefly between Sir Ferdinando Gorges and Captain John Mason, who in 1623 had founded Portsmouth in the present state of New Hampshire. On their land grant in New England they tried to do what Raleigh had attempted fifty years before—to found colonies that should maintain a profitable rent-roll. Though the day for such speculation had forever passed, Gorges and Mason tried hard to restore it. They had secured ample grants, and under their encouragement settlements were made along the Piscataqua River. These were chiefly the work of Mason, and were the beginning of New Hampshire. Hearing of the hostility of the king, the people of Massachusetts hastened to put the colony in a state of defense. Forts were erected at Boston, Salem, and other ports, and militia bands were put in training. Suddenly the English revolution broke out in Scotland, and Charles was too much concerned for his own safety to carry out his plans against Massachusetts.

Mason and Gorges held the land from the Merrimac to the Kennebec in common. A few settlers ventured into this wilderness, and were the pioneers of flourishing communities. The proprietors divided their grants in 1629; the eastern part, called Maine, fell to Gorges, the western part to Mason. He called it New Hampshire, from a county in England. Just east of Bath, at Point Pemaquid, the first permanent settlement was made in Maine, in 1625. Massachusetts laid claim to a portion of Maine by the charter of 1629, and by her second charter (1692) secured the whole region as the District of Maine. The union continued till 1820, when Maine became an independent state.

From the time of its settlement, New Hampshire was a region of many controversies. Many of these were church disputes, for among the settlers were many Episcopalians, to whom the Puritan element was hostile. The church divisions in Massachusetts led many followers of Anne

Hutchinson to immigrate to New Hampshire, and the Massachusetts government was hostile to them. There were also many disputes about land titles. Mason's heirs, at his death in 1635, denied the claims of the settlers to their lands. Meanwhile, Massachusetts claimed the greater part of New Hampshire. Thus the settlers had a deplorable time. Litigation lasted for half a century; the settlers had to fight Indians meanwhile, and altogether the growth of the colony was seriously retarded.

Left almost without a general government, the settlers in the towns of Dover, Portsmouth, and Exeter organized government for themselves, and drew up written agreements similar to the constitution of Connecticut. In 1641 the settlers along the Piscataqua and to the south united with Massachusetts, but did not give up their rights of self-government. In 1675, by order of the crown, the colony, with its original boundaries, was restored to one of the heirs of Mason, but five years later it was made a royal province.

The first numerous body of immigrants to New Hampshire came from Londonderry, Ireland, in 1719, and gave the name to their new home. They were Scotch-Irish Protestants, brought the knowledge of flax culture and the manufacture of linen, and began this great industry in this country.

West of the Connecticut lay a disputed region, claimed by New Hampshire and New York, and called the New Hampshire Grants. The dispute began in 1763. About forty years earlier, Massachusetts had built a fort near the present town of Brattleboro, and called it Fort Dummer, after Governor Dummer. So Massachusetts laid claim to the grants. Meanwhile, Governor Wentworth, of New Hampshire, had laid out some hundred and thirty-five townships in the grants, and many New Hampshire farmers had bought land there. The disputed region was a paradise for speculators and a fountain of litigation. Finally, in 1765, the king decided in favor of New York, and thus the people of Vermont found themselves under the necessity of paying for their lands a second time.

Under the leadership of Ethan Allen and Seth Baker, the people of southern Vermont prepared to resist the

officials from New York who came to collect the purchase money or to eject the settlers. Amidst the excitement, the American Revolution broke out.

While towns were springing up in Massachusetts, and Williams was laying the foundations of Rhode Island, the land to the southwest, largely comprising the Connecticut Valley, was the scene of new settlements and the center of rival claims. It was the borderland of New England and New Netherland. The Dutch had been exploring and settling the valley of the Hudson for twenty years, and they claimed the land between the Hudson River and the Connecticut.

The English also laid claim to the region. As early as 1633 the Dutch had built a small fort on the site of Hartford, and opened trade with the Indians. Soon after, a small schooner from the Plymouth settlement made its way up the Connecticut. The Dutch at the fort forbade its farther ascent, under threat of opening fire. However, the English continued up the river regardless of the Dutch, and disembarking, began a settlement which they called Windsor. They too wished to control the fur trade with the Indians. The region between the Hudson and the Connecticut abounded with game at this time, and whoever secured the monopoly of the Indian trade was sure to gain great wealth. But the fur trade was not the most important interest. The power that controlled the mouth of the Connecticut held the key to the greater part of New England.

The son of the governor of Massachusetts, called the younger Winthrop to distinguish him from his father, was one of the few men who saw the importance of securing control of the lower Connecticut. He built a fort at the mouth of the river in 1635, and thus cut off the Dutch at Hartford. Winthrop acted in co-operation with two eminent Puritans, Lord Say and Lord Brooke, and to the new settlement he gave the name Saybrooke. The Puritan migration was now at its height. Ships were arriving at Boston crowded with new settlers. Many of these remained in Boston or in the neighboring towns, but the policy of the Massachusetts towns was exclusive, and only duly admitted

church members were allowed to vote; or, as the right was described in those days, were "admitted freemen of the town." The power of the ministers was supreme. Many of the recently arrived Puritans, together with some older settlers, disapproved of this. They wished a separation of church and state.

Thomas Hooker, the learned preacher at Cambridge, convinced that the prevailing government was undemocratic, began a series of eloquent protests against the ruling aristocrat. He believed that government should be in the hands of the people, and he was the first in New England to advocate manhood suffrage. Roger Williams had advocated freedom in worship, but did not emphasize political rights like Hooker. Boston was again profoundly stirred. Governor Winthrop, who differed wholly with Hooker, believed in an aristocracy and looked upon popular government as a delusion. Only those who possessed property of considerable amount, and who were in good standing in the Puritan church, he said, ought to be allowed to vote. A higher property qualification should be required of office-holders. Here was a radical difference of opinion.

The people took sides; the majority with the governor, the minority with the minister. There was no open quarrel, and Hooker and his friends decided to find a more congenial country. They had heard of the abundant game, the magnificent forests, the fertile meadows, the broad, navigable rivers in the country which the younger Winthrop had lately secured from the Dutch, and in 1636 the migration to Connecticut began, overland, Hooker leading the way. He and his immediate followers founded Hartford. History here repeated itself. Massachusetts was largely settled by churches that had migrated in a body from various towns in England. Connecticut was now settled by churches that migrated from Massachusetts. Windsor and Wethersfield were settled, the one by the Puritans from Dorchester, the other by Puritans from Watertown. In 1639 the people of these three new towns assembled at Hartford and gave formal approval to a constitution of government written by Hooker. The towns united, and became the beginning of Connecticut.

The organization of a new government long ago ceased being an uncommon event in America, but the people of the three Connecticut towns were the first to start with a written constitution. It differed from the unwritten constitution of Massachusetts chiefly in not restricting the right to vote to members of the church.

Hardly were the Connecticut towns begun before a terrible Indian war broke out. The fiercest of the New England tribes, the Pequots, living in the southeastern part of Connecticut as it is known to-day, and chiefly in the Thames Valley, planned a general extermination of the English settlements and sought alliance with the Narragansetts on the east and the Wampanoags and Mohicans in the north. Roger Williams's influence with the Narragansetts prevented this league. Then the Pequots, believing themselves the greatest warriors in the world, decided to make war alone, attacked the isolated towns, and committed fearful atrocities.

The Connecticut towns were scarcely a year old and unprepared for war. Finally the English rose in their might. Massachusetts and the Connecticut towns sent about a hundred men, joined by nearly as many friendly Mohicans. With great cunning they came upon the Pequot stronghold on the Mystic River, not far from the present city of Stonington. The stronghold was a circular fort of logs with two entrances. Captain Mason, who commanded the Massachusetts men, held one entrance, Captain Underhill, the leader of the Connecticut men, the other, and the soldiers and friendly Indians were quickly distributed about the fort. The wigwams were quickly fired, and the fort became a mass of flames. Only five of the Pequots escaped; over four hundred perished in the flames or were shot down as they tried to get away. The tribe was wiped out. For the next forty years New England had no Indian wars, and for the first time the settlers felt free from fear of the savages.

While the Pequot war was raging, a great company of Puritans, led by their minister, John Davenport, arrived in search of a home. For a time they considered various localities, but at length chose the coast of Long Island, and

in 1638 began the town of New Haven. The country of the Pequots was now open to settlers, and this determined their choice. Davenport and his followers wished to establish a state whose only law should be the Bible. Other towns were founded near by during the next three years, as Milford, Guilford, and Stanford, and all comprised the New Haven Colony. New England was now pretty well taken up.

There were large unsettled areas, but they were claimed by adjacent colonies. We must not think of the state boundaries of New England as they now exist as the boundaries of the New England colonies in 1641. Except as laid down by royal charter, boundaries in these early days can hardly be said to have existed, and the charter descriptions were not clear. The five New England colonies were irregular in boundaries, and several were within the same jurisdiction. Massachusetts Bay was the largest and most popular colony, with most of its people in and near Boston.

In 1650 Massachusetts had three counties. North of Massachusetts were a few towns, destined in a quarter of a century to be called New Hampshire. Plymouth lay to the south, small in numbers, but oldest. Farther south lay the towns of Rhode Island and Providence Plantations. To the west of these was Connecticut, and farther west New Haven.

In these five colonies, Massachusetts Bay, Plymouth, Rhode Island and Providence Plantations, Connecticut, and New Haven, lived about twenty-six thousand people, of whom about one in five was born in New England. From the time of the founding of the New Haven Colony, the exodus of Puritans from England to New England ceased. This was chiefly due to the overthrow of Charles I. and the establishment of the commonwealth in England, when the tables were turned and the Puritans came into power. The cavaliers now came to America, but not to New England. They went to Virginia, whose people and institutions were more congenial to them.

The people of New England were at this time farmers or fishermen, but oftentimes the people on the coast combined the two occupations. Boston and Salem contained

many mechanics, and among them skillful shipwrights. These towns also had a few warehouses and many shops. Nearly every man was the head of a family and owned his home, with its pleasant garden and abundant fruit-trees. At Cambridge, the printing-press was at work as early as 1639. Although Puritan ways were somewhat stern, the people were well housed, well fed, and contented. They had few amusements. The climate was severe, the soil thin, and the necessity of labor incessant. But the people were free, and happier than they could have been anywhere else in the world.

In 1643 the first colonial union and the first political union in the New World was formed by New Haven, Connecticut, Plymouth, and Massachusetts for the purpose of common protection, chiefly from the Dutch and the Indians. It was a military league exclusively; the promotion of trade, commerce, or industry was not mentioned. Military supplies were apportioned among the four colonies, each of which reserved all its rights of local government. Rhode Island was not included in the league, because its people were not "in the same church fellowship"; that is, were not Congregationalists, but mostly Baptists.

Two commissioners from each colony composed a body of eight who directed military matters, who were empowered by the articles to act as arbitrators in all disputes between the four colonies, but who had no power to execute their own decrees. Among the provisions of the articles was one requiring the return of fugitives from justice. It was repeated a hundred and forty-seven years later in the Constitution of the United States.*

About twenty years before this time, a religious society arose in England calling themselves Friends, but named Quakers by those who differed from them. Their founder, George Fox, was a pure and lovable man, and he and his followers, taking the Bible as their guide, preached the doctrine of non-resistance to man, and the worship of God without the intervention of ceremonies or priests. One peculiar custom instituted by the Friends was the wearing of the hat on nearly all occasions, not to show disrespect

* Art. IV, Sec. 2, Clause 2.

to other men, but to show honor to God, before whom alone all should uncover. To this habit the Friends tenaciously clung, and thereby frequently got into trouble. They would not take off their hats in court, or even in the presence of the king. Some of their religious views were considered very dangerous by the Puritans.

Much to the distress of the people of New England, the Friends began to arrive in Boston, in Salem, and at some other points, about the time of the restoration, 1660. Puritan New England was more hostile to them than Puritan England, and the excitement wrought by their arrival surpassed that of the days of Mrs. Hutchinson. The people of Rhode Island, whom the four colonies had refused a part in the late union, treated the Friends as they wished to be treated themselves; but the legislatures of the united colonies made haste to pass very severe laws against them, forbidding them to come, forbidding them to stay, forbidding any one harboring them. The Friends ignored these laws, for they came to convert the Puritans to Friendly views, and therefore rather welcomed persecution. As Rhode Island was well disposed to them, they did not show great desire to go there, but turned their faces boldly toward Massachusetts.

A persecution of the Quakers now began, even more cruel than any the Puritans had ever suffered in England. First they were banished, but returning, they were imprisoned, were beaten, were pilloried, and some were hanged, among them Mrs. Dyer, a woman of as pure and brave a soul as Mrs. Hutchinson. After two years of imprisoning and hanging Quakers, public opinion underwent a radical change. It was now the year 1661, and the Massachusetts judges saw bloody work ahead. Quaker preachers multiplied on every side, for they had no fear of persecution or death. The judges had little heart in the business, for though some of them feared public sentiment much, they feared their own consciences more.

One morning the judges opened court in Boston as usual, and were proceeding with the business of the day, when suddenly Wenlock Christison, a Friend of noble appearance, stood before them. Lifting his hand high, he turned

to the judges, saying: "I am come here to warn you that ye shed no more innocent blood." Instantly he was seized, was quickly tried, and was condemned to be hanged; but the sheriff was afraid of the people, and the cruel sentence was never executed. In spite of the bloody laws, the Friends now came and went, and the excitement against them slowly subsided. As soon as persecution ceased, they attracted no more public attention.

When these things were reported to Charles II. he was greatly incensed against Massachusetts. It had far exceeded its authority, he said, and he ordered that in future no Friend should be persecuted in the colony, but be sent to England for trial. This was not because he loved Quakers, but because he disliked Puritan New England in general, and Massachusetts in particular. The colony paid no attention to his order.

The restoration brought back to power a party and a part of the people in England who detested the Puritans. New England, far away, felt the change. The king classed the Puritans with those who had rebelled against his father. Two of the judges who had sentenced his father to death, Goffe and Whalley, had taken refuge in New England. Again and again they escaped capture, and their life forms the subject of a most romantic chapter in the history of the New Haven Colony. Massachusetts repeatedly irritated the king by its independence.

New Haven and Massachusetts required a man to be a church member, that is, a Puritan, before he could vote. The king was no admirer of liberal Connecticut, but he joined New Haven to it in 1665, and granted a liberal charter to Connecticut at the same time, and Rhode Island received one in the following year. These two colonies permitted the Episcopal form of worship, which largely accounted for their liberal charters. In spite of the king's order, Massachusetts refused to allow the Episcopal form, and the king decided to annul her charter. Events in England, however, delayed him for a time.

New England had thus far escaped a general Indian war. Here and there a tribe had taken up the hatchet, but the fate of the Pequots had overtaken it, or had terrified it to

keep the peace. Wars between the tribes raged all the time. Occasionally a settler was struck down. The English avoided taking sides with any of the tribes as well as they could, but neutrality was a difficult policy. In 1675 the Indians planned a general and united attack on the settlements. The Mohicans remained true to the English, but the Narragansetts, the Wampanoags and the Nipmucks began a terrible war. The chief of the Wampanoags was named Philip by the whites. He was a son of Massasoit, and though only one of the leading chiefs, his name has been given to the war. It raged for two years in various parts of New England. Twelve towns were wiped out of existence; forty more were in part burned and sacked, and nearly twelve hundred whites, men, women, and children, were killed, many in the most brutal and shocking manner. The Wampanoags finally were scattered and mostly destroyed.

Philip fled to the Nipmucks, who had joined the Narragansetts. Their chief, Canonchet, imitated the English in his tactics, and built a fort in an almost impenetrable swamp in South Kingston, Rhode Island. Here he gathered about three thousand of his warriors. This fort the English, about a thousand strong, attacked, and the fate of the Indians was like that of the Pequots. The great chiefs were killed and the captives were sold as slaves. This was the last great Indian war in New England. When it began there were more Indians than whites within the domain claimed by the New England colonies.

Charles II. at last gave his attention to Massachusetts, and proceeded to annul its charters, and found an excuse at hand in the claim of the colony to the Mason and Gorges settlements. The English judges decided that the colony had no authority to make the claim. The king therefore erected the Mason settlements into the royal province of New Hampshire. Massachusetts was not to be entirely beaten, and bought the district of Maine from the heirs of Gorges for twelve thousand pounds. Charles refused to recognize the legality of the transaction. But the king did not stand alone even in Massachusetts. There a Tory party was rapidly strengthening, composed chiefly of non-members

of the Congregational church, not all of whom approved of the king's policy, but all who approved of it were of these non-members.

Time had greatly changed the structure of society in Massachusetts. The majority of the men were members of the Congregational church, therefore the control of affairs was in their hands. The minority demanded the extension of the right to vote, but were denied it. Religious toleration must be associated with the recognition of political rights, many of the majority thought; and to them the king's demand that Episcopal churches be allowed in the colony seemed eminently reasonable. Aware of this state of things, Charles, in 1684, annulled the charter of Massachusetts Bay. Since 1629 the people of the colony had governed themselves quite as they pleased. It was to be nearly a hundred years before they were to do so again.

Amidst these changes Charles died, and was succeeded by his brother, the Duke of York, under the title of James II., who, having matured a plan for the union of all the New England colonies, sent over Sir Edmund Andros as governor to execute it. The king's plan had a military basis. New England, New York, and New Jersey, he thought, could best be put in a state of defense against the French in New France if placed in one colonial organization under a trusted officer of the crown. Assemblies and charters should be swept away and a military government should be established.

King James little understood the colonists. In vain did Andros attempt to abolish the assemblies and to seize the charters of Rhode Island and Connecticut. When in open assembly at Hartford, in 1687, he demanded the Connecticut charter, the candles were suddenly extinguished and the charter was secretly conveyed away. Long after, when all was safe and the vice-royalty of Andros was over, the charter was found in a hollow oak, in which it was said Captain Woodsworth had secreted it. The tree was ever after known as the Charter Oak.

Of the colonial party favorable to the king in Massachusetts, Joseph Dudley was foremost. He and his followers welcomed and supported Andros. The governor now set

himself to work to carry out the neglected order of the late king by building an Episcopal church in Boston, known to this day as King's Chapel, which was about the least unpopular thing he did. He abolished the legislature (the General Court) levied taxes himself, and collected them through his officers. Life and property were quite at his mercy.

For a time the liberal party held out against him through the printing-press, but Andros effectually cut off this attack by putting the press under a censor and appointing Joseph Dudley to the office. Andros was a tyrant, acting in strict obedience to his tyrannical master, James II. Amidst his acts he was suddenly arrested, and with Dudley imprisoned in Boston jail. Word had reached the city of the flight of James II., of his abandonment of the throne, and of the accession of William and Mary. The revolution of 1688 thus reached America and affected all the people throughout the English colonies.

The new king did not disturb the charters of Rhode Island and Connecticut; to Massachusetts he granted a new one in 1691, and annexed Plymouth. New Hampshire was continued as a royal province. Nova Scotia, a recent conquest from France, was joined to Massachusetts. The new charter to Massachusetts was like that of 1629, save in several important provisions; henceforth the governor should be appointed by the crown instead of being elected by the voters in the colony. The town-meetings, the General Court, the schools, the Congregational churches, were not disturbed.

There were great innovations; some people called them reforms. The right to vote and to hold office should no longer be limited to members of the Congregational churches. Episcopalians might have churches and might vote and hold office, but Roman Catholics were not allowed these privileges. None of these changes offended the people like the provision for a royal governor. Having been accustomed to choose their governors so many years, they felt the new provision to be a violation of their rights. From this time till the war for independence, royal governors were in authority, but whether good men or bad, they were in per-

petual quarrel with the General Court. The quarrel was the more bitter because Rhode Island and Connecticut were allowed to continue their charters under which they elected their governors and their assemblies for all these years, and they continued their charters after the war for independence was over.

There is a curious similarity in the tyranny of Andros in New England and the tyranny of Berkeley in Virginia, the one under Charles I., the other under his son, James II.; and both monarchs prepared the way for a democratic revolution.

At this time a belief in witchcraft was common in Europe, and many persons in England accused of practicing it were put to death by burning, hanging, or the rack.

The delusion broke out in Salem in 1691, swiftly spread through the colony, and lasted five years. Ignorance and terror helped spread the evil. Any unusual conduct was attributed to the presence of some bewitched person in the community. The delusion was an epidemic of insanity, which passed away as speedily as it had arisen, but not until nineteen persons had been hanged and many more accused. The courts of law had joined in the delusion, and the trials were held at Salem, where the strange records may yet be seen. It seems impossible that men and women could be guilty of the folly there set forth as truth to be spoken before a court of law.

The truth at last prevailed. The legislature appointed a day of fasting and prayer in confession of the terrible wrong that had been done. Witnesses who had sworn away innocent lives confessed to perjury and signed written statements of their crime. Judge Sewall, who had presided at the trials, read a recantation of his judgment and confessed his error, rising from his seat in the Old South Meeting-House. He earnestly prayed for forgiveness and that his sin might not be visited upon him, his family, or the colony. Much has been written in blame of the people of New England for giving way to so terrible a delusion.

It should be remembered that while they who were accused of witchcraft suffered imprisonment or death, they suffered by English law; the fault, it must be also remem-

bered, was one of the age, and must not be charged wholly against the colony or the mother country. The death penalty for the offense continued in force in England forty years more (1736), and several persons suffered there. The delusion was outgrown in America many years earlier than in Europe.

The new charter never satisfied the people of the colony, though it gave the legislature exclusive control of taxation and the appropriation of public money, and thus secured almost complete independence, it made the governor a charge on the colony, and as he was an appointee of the crown, people complained of nearly everything he did. He wanted a fixed salary that would make him independent of the assembly. The people would not listen to such a scheme. If he pleased them, he would get his annual salary with less opposition. The contest in Massachusetts was like that going on in every other royal province, and it continued till the Revolution.

Among the most unpopular acts of Parliament were the forest laws and the navigation acts. The forests of New England abounded in tall, straight pines, well suited for masts, and the king's surveyor had official charge of these trees wherever they might be found. The charter of 1691-92 forbade the cutting of these trees except for the royal navy. A fine tree was worth one hundred pounds, and the owners of the forests, to whom the law was specially hateful, were in almost constant strife with the royal officers, who were instructed to mark the best trees for the king's use.

Even more unpopular were the navigation laws. These dated from Cromwell's time, when they were passed to protect English trade, to injure the Dutch, and to keep the carrying trade of the world in British hands. In 1660, the laws were revived and made more severe. The English colonies could not export their productions, at the time chiefly tobacco in Virginia, and fish, lumber, casks, and leather from New England and New York, except to England or to an English colony. This cut off the Americans from all direct trade with France, Holland, Germany, and Spain.

In 1663, the law was made more severe by a provision

forbidding the colonists to purchase manufactured goods anywhere except in England. This meant that it was unlawful to sell any manufactured article outside of the colony in which it was made, and was a preventive of American manufactures. Ten years later, Parliament added another statute which prohibited trade between the colonies. The navigation laws, as these various acts were called, were passed for the sole purpose of concentrating the trade of the colonists in England, and to keep America a producer of raw material only, which must be sent to England for manufacture.

Down to the time of William and Mary the laws were almost a dead letter, and only encouraged smuggling, dishonesty, and discontent. With the help of the Dutch vessels, the merchants of New England and New York and the Virginians managed to evade the laws quite successfully. In 1690, England was at enormous expense to maintain her armies and her navy; money must be had and the colonies were required to pay their share. The navigation laws were to be strictly executed. Opposition to them at once revived. Smuggling increased on every hand. The most unpopular institution in America was the custom-house.

From this time till the Revolution, opposition to the laws gained strength. No charge against the king in the Declaration of Independence was more thoroughly understood by the people than that which accused him of "cutting off our trade with all ports of the world." This was the intent and the effect of the navigation laws, and one of the chief causes of the Revolution.

CHAPTER VIII

NEW JERSEY, PENNSYLVANIA, AND DELAWARE

1665-1703

The region now known as New Jersey lay within the bounds of New Netherland. It was claimed by the Dutch. They built Fort Nassau in 1617 at Bergen, a trading-post nearly opposite New Amsterdam. This fort is not to be confused with one by the same name built three years earlier on the site of the present city of Albany. The conquest of New Netherland in 1664 made the region English soil, and King Charles, as we have seen, made his brother, the Duke of York, proprietor. The duke granted what is now New Jersey to two of his friends, Lord Berkeley and Sir George Carteret; the latter had been governor of the Island of Jersey in the English Channel. The first English settlement in New Jersey was at Elizabethtown, in 1665. This place was named after the Lady Elizabeth, Carteret's wife.

Land was to be had almost for the asking, as the proprietors made liberal terms to settlers. Newark was settled in 1666, by a company of Puritan families from New England. The proprietors did not care to settle the lands outright, but sold for a rent of halfpenny an acre, to be paid annually and forever. This later caused trouble. The proprietors could do nothing with the settlers, who drove away the governor sent them and elected one of their own. The settlements were chiefly along the Delaware in the western part of New Jersey. After nine years' struggle to get along with the settlers, Berkeley, in 1674, sold his share of the country to Byllinge and Fenwick, two English Quakers.

Two years later the colony was divided into East and West Jersey, Carteret retaining his proprietary rights over the eastern half, and Byllinge and Fenwick over the western.

Before the division, Berkeley and Carteret had given

the settlers a liberal constitution which allowed them to choose an assembly with power to levy taxes and to make laws not inconsistent with those of England. The division did not disturb their rights. For the first time the English Quakers had land in America where they might live in peace. In 1676, William Penn joined with other Friends in securing possession of West Jersey, and the Quaker migration to America began. Salem was founded in that year, and Burlington in the year following. Other towns followed. Penn and his associates gave the settlers a charter, which confirmed them in all their rights as Englishmen, empowered them to choose an assembly and "have laws of their own making." Freedom of worship was guaranteed. The executive authority was vested in ten commissioners chosen by the assembly, a provision which caused great dissatisfaction and proved to be a mistake. The English town-meeting was introduced, and thus local government was in the hands of the colonists.

In all their dealings with the Indians, the Quakers acted with fairness and justice. New Jersey had no Indian wars. The Indians were paid for their lands. Carteret died in 1682, and Penn and his associates then bought East Jersey for three thousand four hundred pounds. This purchase united the colony; but troubles soon broke out. The Duke of York claimed the right to levy toll on the commerce on the Delaware, a claim which the settlers stubbornly denied; but the crown was not to be thwarted. The Duke of York as firmly believed in ruling America without assemblies as in ruling England without a Parliament. In 1688, the colony was united by King James II. with New England and New York, and Sir Edmund Andros made governor. The existence of the assemblies was threatened. A dozen years of civil confusion now followed, and had it not been for the town governments there would have been no government in the colony. Rival claims to the colony were put forth by the heirs of Carteret, by the Quakers, and by New York, but at last, in 1702, the proprietary claims were assigned to the crown, and New Jersey became a royal province.

Through association with the New Jersey proprietors, William Penn had learned of a vast unoccupied tract of

land stretching west of the Delaware. From his father, Admiral Penn, he inherited a claim of sixteen thousand pounds against the English government. The experiment of founding a Friends' colony in New Jersey did not result as Penn had hoped. He saw his opportunity now to realize his hopes, and he appealed to Charles II. for a grant of the land across the Delaware in payment of the claim. The king readily consented.

A grant of wild land in America was an easy payment of such a claim; but Charles did more. He issued a charter to Penn, conveying the land, and also making him absolute proprietor of the province of Pennsylvania, a word meaning "Penn's woods," a name given by the king in honor of the admiral. The new province extended from the Maryland boundary in the south to the New York boundary in the north; but neither of these boundaries was definitely known, and their loose descriptions in the charter led to disputes later. The grant was the largest made in the north to a single proprietor.

By the charter the title to the land and the government of the colony were vested in Penn and the form of government was to be determined by him. With the aid of the freemen he could make laws for the province, but they were to be in conformity with the laws of England and be subject to the royal veto. All forms of Christian worship were tolerated. The proprietor might establish whatever courts of law he thought fit. In earlier charters nothing had been said of the right of Parliament to tax the people of a colony. Penn's charter contained an express provision authorizing such a tax, the only case of such a provision in any of the colonial charters.

Penn had long been an active missionary in the Society of Friends, having preached their doctrines in England, in Germany, and in Holland. He called his colony the "Holy Experiment," and freely invited immigration. His intention was to dispose of his lands at the uniform price of forty shillings for a hundred acres and a perpetual rent of one shilling yearly on each holding. This was an old idea. Raleigh had it; the Calverts of Maryland had it; the New Jersey proprietors had tried it, and now Penn had no

greater success with it than had the others. His scheme for a perpetual rent-roll led to ceaseless disputes and retarded the progress of his province.

But his plan for the government of his province was more wisely ordered than his land system. Before leaving England he drew up his "Frame of Government," a plain statement of his own political ideas and of what the settlers might expect. Though made absolute proprietor by his charter, Penn expressly limited his powers and that of his successors so that no proprietary tyranny could be established. He thus put in practice a confidence in popular government and in the colonists who might locate in his province far greater than that shown by any other founder of a state down to his time. He came to his province in 1682, and landed at Uplands, now called Chester; and in taking possession he observed the ancient English ceremony of receiving a piece of sod as a sign of his ownership of the land.

While yet at Chester, Penn issued a summons for the election of an assembly. With its aid, a body of laws was executed known as the Great Law. This code was in the nature of a constitution, and contained several provisions more liberal than existed in any other colony at the time. Among these were the provisions for the death penalty, which could be inflicted for one offense only—murder. In England and in the other colonies, no less than two hundred offenses were at this time punishable by death. Another new provision was destined in time to become a part of the fundamental law of all the American states: that criminal law shall aim to reform, and not merely to punish the offender. The laws of the province were to be taught to the children. Other provisions were like those common to other colonies. Only taxpayers and professing Christians were eligible to the assembly. Freedom of worship was allowed. Many provisions of this Great Law are substantially in force in Pennsylvania to-day.

In the autumn of 1682, Penn located his capital town, and named it Philadelphia. He laid it out in squares, with regular streets crossing at right angles. To-day Chestnut and Walnut streets seem very narrow; at the time they

were laid out, no city in the world had broader streets. Penn was many years in advance of his own time. Beneath the spreading branches of a noble elm-tree, long known as the "treaty-tree," he made a famous treaty with the Delawares, "that was never sworn to and never broken." Never before had the Indians been so well treated by a European. When the treaty was made, the treaty-tree was several miles from Philadelphia; to-day, the monument that marks the place stands in one of the busiest manufacturing portions of the city. Philadelphia was from its foundation a prosperous town. During the two years of Penn's stay in the province, several hundred families made it their home. In fourteen years it had above twenty thousand inhabitants, and it continued to be the largest city in the country till the close of the eighteenth century.

As long as Penn remained in the province, everything progressed smoothly. With his departure, disputes began between the colonists, represented by the assembly, and the representative of Penn, called the deputy governor. Many elements entered into this contention, which continued with increasing animosity till the American Revolution put an end to the proprietary government. The governor would not have the proprietary lands taxed, yet demanded money by taxation of other lands. As time went on, an anti-proprietary party arose, in favor of transforming Pennsylvania into a royal province.

Foremost among the leaders of this party was Benjamin Franklin. He had come to Philadelphia from Boston, in 1723, a penniless youth of seventeen; had worked as a journeyman printer; had become a prosperous publisher and a man of great influence in the city. While pursuing his printing business he had given profound attention to scientific studies, especially to electricity and heat, and was the first American to win a European reputation. Long before the Revolution, he had won a name in science and letters that few Americans have equaled and none have surpassed. His experiments, like that with the kite, were very simple, but they may be said to have benefited the whole world. Philadelphia was a quarter of a century old when Franklin was born. When he died there, in 1790,

his name had been identified with every important movement in the life of the city for sixty years.

From the foundation of the province slavery existed in Pennsylvania, but few of the Quakers were slave-owners. The German portion of the population was less scrupulous. Almost from the beginning of the colony, some members of the Society of Friends expostulated against slavery, and in 1688, in the Germantown meeting, a remonstrance against it was read. Franklin early joined the opponents of slavery, and on his death-bed he wrote a powerful appeal for abolition. Ten years before (1780) the state of Pennsylvania passed the famous act providing for the gradual abolition of slavery, but the last slave did not disappear till nearly seventy years later. The act of 1780 was the first of its kind, and was followed by similar acts in New York and New Jersey.

In western Pennsylvania lay the disputed boundary land between England and France. The disputants met on the Ohio River, and a war followed which ended with the disappearance of New France from the map of America. The Quakers were not of the war party in the provinces. Meanwhile, the French and Indians were devastating the western settlements. With the actual outbreak of the French and Indian war, in 1753, the influence of the Quakers declined, and the political control of the colony fell into the hands of the Scotch-Irish, the Germans and others who believed in war, offensive and defensive. The Friends never regained their political influence. While the French and Indians were committing their depredations, the deputy governor, carrying out his instructions from the Penn family, did nothing to put the province in a state of defense that would cost the proprietor anything.

Though the Penns owned land in the province valued at ten million dollars, they would not suffer it to be taxed like other lands. The assembly refused to exempt the proprietary lands. Why should the burden of defending the colony fall wholly on the colonists? Why should the Penn lands not be rated like other lands? The dispute waxed bitter; the governor grew more obstinate; the assembly more resolute. It finally, in 1757, sent Franklin to Eng-

land as its agent to present the cause of the people and to protest against the discrimination demanded by the proprietors. This was the beginning of Franklin's diplomatic service, and from this time till the outbreak of the Revolution, and during the nine years that followed, he was in England or France as the representative of American interests. His protest against the exemption of the Penn lands was successful, as were nearly all his diplomatic efforts.

Between his appointment as agent of Pennsylvania, in 1757, and his return in 1785 as late minister plenipotentiary to France, two great events of world-wide importance had occurred, in both of which he bore a conspicuous part. France had retired from America and the United States had become an independent nation. Franklin's life (1706-1790) was almost coextensive with the eighteenth century. As he was intimately associated with all the great events in our history from 1740 till his death, his biography has not only the unique interest of presenting the development of a man of genius, but also in large measure of recording the history of America in the eighteenth century.

The Pennsylvanians were famed for their fertile farms; their heavy crops of wheat; their ships, built on the Delaware, and their industry and thrift. Philadelphia divided the commerce of the country with Boston and New York. As in New England, the people depended on themselves for their cloth as well as for their food. A few of the wealthier class imported articles of luxury. Penn's charter had been made with slight knowledge of the lay of the land. The southern boundary became from the first a matter of dispute between Penn and Lord Baltimore. By the charter it lay along the fortieth degree of north latitude, but Penn discovered that this would locate Philadelphia and Delaware Bay in Maryland. As the intent of the charter was to give Pennsylvania a suitable frontage on the bay, Penn asked for a new survey, which was completed in 1767, by Mason and Dixon, who spent four years at the task, and marked the two hundred and eighty miles of the southern boundary by stones one mile apart. The Penn arms were cut on the north side, the Baltimore arms on the south side, of every fifth stone. This boundary extended along

the parallel of $39^{\circ} 43'$, and has been known ever since by the names of its surveyors.

Politically it was the boundary between free and slave soil. When the Northwest Territory was created, in 1787,* this political line was practically continued down the Ohio from Pennsylvania to the Mississippi. It may be truly said that Mason and Dixon located one of the principal political landmarks in our history, but to these skilled surveyors the line was only a boundary between two vast proprietary estates in the American wilderness.

In 1740, Dr. Franklin and a number of eminent citizens of Philadelphia organized a charitable school which in a few years developed into the College of Philadelphia, and later (1790) into the University of Pennsylvania.

Stimulated by the efforts of France, Holland, and England to plant colonies in America, Sweden, in 1637, determined to secure a portion of the New World. The enterprise of colonization was undertaken for the Swedish government by Peter Minuit, late governor of New Netherland, who in 1638 brought a small colony to the Delaware and began a settlement where the city of Wilmington now stands. The place was named Christina, after the Queen of Sweden, and a good report was taken back to the home government. But trouble was in store for the colony.

The Dutch claimed the valley of the Delaware, and expostulated with Sweden. At last, in 1655, Governor Stuyvesant, under instructions from his government, sailed from New Amsterdam and speedily made conquest of New Sweden. The Swedes were forced to swear allegiance to Holland, and Stuyvesant sailed back again. Ten years later New Netherland became New York, and the Swedes on the Delaware found themselves English subjects. For a time this part of the country was in the province of New York.

When William Penn received his grant of Pennsylvania from Charles II., in 1681, it cut off what had been called New Sweden from the Duke of York's province, and Penn, anxious to secure the advantages of Delaware Bay, purchased the country from the duke and organized it as the three lower counties on the Delaware. They continued a part of Penn-

* There was an earlier act, 1784, but it was practically inoperative.

sylvania twenty-one years, but in response to repeated requests of their inhabitants, Penn, in 1703, permitted a division, and the three lower counties on the Delaware became a separate province, known as Delaware. A proprietary government like that in Pennsylvania was established. The laws of the two provinces were more alike than those of any other two of the thirteen.

CHAPTER IX

MARYLAND; THE CAROLINAS; GEORGIA

1629-1776.

It will be remembered that the first grants of land in English America were to the London Company in the south, and the Plymouth Company in the north, and that a neutral or middle zone was left ungranted. This was destined to become for a time the property of several distinguished individuals who enjoyed the favor of the king, and these introduced a different form of government from that in Virginia or New England. In spite of famines, Indian wars, rivalries, and religious and civil commotions, the colonies had prospered, and great interest was manifested in England, by eminent men, to secure grants in the unoccupied region between Virginia and Connecticut.

While the events already narrated were going on, four English colonies were established in this hitherto vacant region. First to receive a grant was George Calvert, Lord Baltimore, a Catholic gentleman who for many years had been active in colonial enterprise. He had been a member of the London Company, and had attempted to start a colony at Newfoundland, but was forced by the climate to abandon his enterprise. He had seen much of America, and in 1629 had explored the land lying to the north of the Potomac, and was delighted at the prospect it unfolded. This region was as yet no-man's-land, and Lord Baltimore asked it of the king. Charles I. readily consented, and gave his favorite a charter conveying extraordinary powers and privileges. All the land within the grant, to which Baltimore had already given the name Maryland, in honor of the queen, Henrietta Maria, was given to him and his heirs forever. Baltimore was given the title "Lord Proprietary of Maryland," with full power to coin money; to grant titles of nobility, but not of the name or order in use in England;

to make laws for his colony, either personally or by calling representatives of the settlers; to establish courts of justice; to grant pardons, and to maintain an army and navy. The King of England could not do all these things.

In return for his charter, Lord Baltimore was to pay the king one fifth of all gold and silver ore found in Maryland—a condition already familiar to us in the Virginia charters; and also to pay annually to the king two Indian arrows. Considering that there was no gold and silver ore in Maryland and that Indian arrows could be had for the asking, the Lord Proprietor could not complain of the rent. His purpose was not personal gain, but one of the noblest that could animate a man, to found a refuge for persecuted English Catholics. These had long been the object of a persecution even more bitter than that directed against the Puritans. No Catholics had as yet been favored by a grant in America. Baltimore, as Lord Proprietary of Maryland, was free to establish what churches he pleased, but he could not make laws contrary to those of England, therefore he could not prevent Protestants coming to his province. With extraordinary liberality, he invited Protestants and Catholics to settle in Maryland. Before the charter was signed, Baltimore died, and it was made out to his son, Cecil Calvert, known as the second Lord Baltimore, who was imbued with the same ideas as his father and sought to carry them out.

The old idea held by Raleigh, Gorges, and Mason, that a profitable tenantry and rent-roll could be established in America, possessed Calvert, who proceeded to grant large tracts of land, each of a thousand acres and more, to men of wealth, who were empowered to rule as lords of the manor, holding courts, both civil and criminal, and collecting rents from their tenantry. A few of these ancient manors, as for instance that of the Carrolls, much decreased in size, remain in the possession of the descendants of the original owners. The wealthiest of these built commodious mansions, extensive servants' quarters, capacious barns, homes for the tenantry, and a chapel. The conditions of life in America soon demonstrated the impracticability of Baltimore's idea of manors, tenantry, and rent-rolls.

In 1634, about two hundred colonists arrived, of whom the greater part were Protestants; but some twenty were Catholic gentlemen, who took up great estates. Leonard Calvert, brother of the proprietary, led this migration. A settlement was begun as St. Mary's. Its religious wants were first supplied by consecrating an Indian wigwam as a place of worship. This was the first Roman Catholic church in an English colony in America. It could not lawfully have been erected in England, or in any other English colony than Maryland, and it may be questioned whether Lord Baltimore's charter, strictly construed, permitted him to do this thing. Religious toleration was a novel idea at this time, but it was practiced from the beginning in Maryland, though we shall see that it was much interfered with later on. Lord Baltimore encouraged all Christians to come.

Puritans and Friends came. Annapolis, at first called Providence, was founded in 1649, by Puritans whom Governor Berkeley had expelled from Virginia. Some Quakers were banished from Maryland because they refused to take oath of allegiance to the proprietary; but as they objected to oaths of any kind, they would have been banished from every country in Christendom at this time. Allegiance by affirmation was not yet thought of. Lord Baltimore soon called an assembly, and in 1649 it enacted a law permitting freedom of worship to all who believed in the divinity of Christ. This excluded Jews and Unitarians.

In later years, when Jews located in the province, though they were allowed to worship in their own way, neither they nor Unitarians were allowed to vote. Not until 1823 was the constitution of Maryland changed so as to abolish religious qualifications, and not until 1826 were Jews allowed both to vote and to hold office. Thus it will be seen that complete religious toleration and political equality did not prevail in Maryland until nearly two hundred years after its founding. Quakers were opposed to oaths in any form, and simply affirmed. Affirmations were declared legal in Maryland by amendment to the constitution in 1795 and 1798.

When the Constitution of the United States was made, in 1787, public sentiment had so changed in this country,

that an affirmation was considered as binding as an oath. The President of the United States may swear or affirm when he takes his solemn obligation as chief executive. During colonial days, except in Rhode Island, affirmations were not considered legally binding. Thus it will be seen that though Maryland began with a spirit of toleration, it was the toleration of the seventeenth century, and quite a different spirit than that now prevailing in our country.

Though Lord Baltimore had received his grant from the king, there were those in Virginia who, under claim that Maryland lay within the boundary of Virginia, resisted his authority. Religious prejudice and selfishness were largely at the bottom of all this. Kent Island was held by one William Clayborne, as a trading-post, under royal license, before the Maryland charter was granted. Baltimore tried to evict Clayborne, and a petty war followed. The English courts sustained Lord Baltimore, but Clayborne bided his time. During the war between Charles I. and Parliament, Clayborne attempted to regain the island. The civil war in England caused a serious breach of public order in America. Bold and unscrupulous men took advantage of the times to push their own interests. St. Mary's was taken by one Richard Ingle, a Puritan captain turned pirate, who broke up the settlement, and the governor fled to Virginia for his life. At the same time, Clayborne plundered and destroyed many of the rich Catholic manors, burned the Catholic churches and missions, and scattered the people. Father White, who had come over with the first settlers, and his associates were roughly seized, put in irons, and sent to England on charge of treason. All this was done under the excuse that the Protestants of Maryland were suffering persecution from the Catholics. Clayborne's real motive was revenge and gain.

In England there was much clamor against Lord Baltimore and his "Papist province"; the troubles in Maryland were only the reflection of sentiment in England. Lord Baltimore acceded to all this outcry by appointing a Protestant governor of Maryland. Already the Maryland assembly was in control of the Protestant party. Charles I. was now dead, and England was governed by a Puritan Parliament,

which appointed a commission of three, one of whom was Clayborne, to take control of Maryland and organize a new government. Toleration had resulted curiously in the province. The Catholics numbered about one-fourth of the population, and most of the remainder were Puritans who controlled the assembly. Instigated by the commission, the assembly, in 1654, enacted a law putting all Roman Catholics outside the protection of the laws of England. This was a premium on persecution, robbery, and violence.

But the Puritan Assembly did not stop with Catholics; freedom of worship was denied to Quakers, Baptists, and Episcopalians. When this action of the assembly came before Cromwell, he refused his approval. "Liberty of conscience," said he, "is a natural right." Thus the great chief of the Puritan Commonwealth vetoed the law. Cromwell speedily restored religious freedom for all Christians in Maryland, but like most great men he was more liberal than his party. The Maryland Catholics were held in suspicion by their Protestant neighbors for many years, all through the years of the Commonwealth, and through the reigns of Charles II., of William and Mary, and of Queen Anne, and indeed of the four Georges.

The province was rent and almost ruined by all this dissension. In 1692, the year when William and Mary granted a new charter to Massachusetts, the king determined to put an end to the troubles of Maryland. He canceled Baltimore's charter and appointed a royal governor. The assembly made the Church of England the established church of the province, and the Roman Catholic form of worship was forbidden. On the 10th of August, 1716, members of assembly and all officials were required to be qualified as in England. This meant that they must subscribe to the test oath, an oath that excluded Roman Catholics from office and which had to be taken by all officials in other colonies as well as by those in Maryland. Roman Catholics were compelled to pay tithes to support the established church, in whose teachings they did not believe; and also to pay taxes in support of the government in which they could have no part, as voters or officeholders. This state of things, in spite of constant protests

from the Catholics, continued in Maryland until the war for independence.

Some eminent Catholic families, of which Lord Baltimore's was one, became Protestant. In 1715 the province was restored to Lord Baltimore, and continued in the possession of him and his descendants sixty-one years, when by the Revolution the government passed into the control of the people of Maryland.

Among the favorites of Charles II. was Lord Clarendon, and to him and seven others he granted, in 1663, the vast tract from Albemarle Sound in the north to the St. John's River in the south, and westward from ocean to ocean. It was taken from Virginia, and the king gave to it his own name. The proprietors were empowered to make laws for their province, and religious freedom was to be granted at their discretion.

Clarendon, who had a speculative mind, drew up an elaborate plan for the regulation of his province, and he was assisted by John Locke, one of the most famous of English philosophers. The plan was called the "Grand Model," and was supposed to be well adapted to a colony in the wilderness. It was to continue the unchangeable law of Carolina. For twenty years the proprietors tried to carry it out in practice, but at last, convinced of its uselessness, they abandoned it.

It created permanent classes of society, attaching distinctive privileges to each class. It rested on the feudal system which it attempted to introduce. It gave no hope to the poor man. At its head were the eight proprietors of the colony, who expected to receive great profits and honor from their rights and privileges.

Only one provision of the Grand Model is suggested by anything in America to-day. It provided for the division of Carolina into tracts of a thousand acres each, a sort of public land system, which may have suggested the system adopted by Congress almost a century and a quarter afterward.

During its brief authority, the legislature of the colony conformed to it in many ways. The proprietors were

required by their charter to call an assembly, known as a parliament, the only instance of the title in this country. The laws permitted freedom of worship, but required all above the age of seventeen to belong to some church, which meant in Carolina, preferably, the Church of England, for this was established by law. Other denominations were permitted, but they drew their support from the voluntary gifts of their members, and not, as did the established church, from the public taxation.

As the law made provision for oaths, but not for affirmations, Quakers were excluded from the privileges of the colony. The colony did not realize the expectations of its founders, and in 1720 they surrendered it to the crown as a royal province. Nine years later it was divided into North and South Carolina. The disabilities of the Quakers were removed, but as in most of the colonies, Roman Catholics were excluded from voting or holding office.

Founded as Carolina was while Europe was racked by cruel religious wars, its early settlers included many who migrated to escape persecution at home. Distinguished among these were many Huguenot families whom the cruelty and folly of Louis XIV. forced to leave France. Like the Puritans, these were refugees, and they laid the foundation of a great state in the New World. Rich plantations were soon smiling with indigo and rice, with corn and wheat. Massive pine forests that had to be cleared supplied turpentine, pitch, and tar, all profitable articles of export. At first only the wild rice was known, but in 1694 the East India rice was introduced, a small quantity having been obtained quite by accident from a sea captain who had touched at Savannah. It soon displaced the wild variety, and before half a century had passed became the chief article of export.

The culture of indigo was also introduced, almost accidentally. A young girl, a planter's daughter, set out some roots in 1742 for ornament. The plant proved adapted to the climate and was rapidly introduced as a crop. At the time of the Revolution it ranked with rice as a staple of the country, and may be said to have dictated one of the compromises of the Constitution of the United States—the

right of Congress to pass a tariff law and the prohibition on Congress to abolish the slave trade before 1808.

The Carolina settlements at first were along the great bays and sounds of the Atlantic and the rivers that flow into them, but gradually the plantations were extended farther west toward the mountains. Here dwelt one of the fiercest and most powerful of the Indian tribes, the Tuscaroras. The colony was not twenty years old before Indian wars broke out. The Tuscaroras held sway as far north as Pennsylvania and continually cut off settlers. At last Carolina and Virginia joined their forces, a bloody war followed, and the Indians, in 1714, were so seriously crippled that most of the tribe migrated to New York and there joined the Five Nations, while a few others mingled with tribes near their old home. West of the mountains, North Carolina owned a vast domain, which at the time of the Revolution was named Washington County, and now comprises Tennessee.*

At this time imprisonment for debt filled the jails of England with many worthy persons who were the victims of misfortune. There seemed no way of ameliorating their condition by law. At last a number of philanthropic persons, chief of whom was James Oglethorpe, planned what they thought would be a permanent remedy, a colony in America for the relief of those who, leaving a debtors' prison, might have a chance to begin life anew. Appealing to George II., they were granted, in 1732, a vast region in the southern portion of South Carolina, along the Spanish border. This grant was for twenty-one years, and extended from the Savannah westward to the "South Sea," as the Pacific was still called.

But Oglethorpe had other objects than the relief of poor debtors. He would found a home for the persecuted Protestants of France, Italy, and Spain, and also make the new colony a bulwark against the Spaniards in Florida. Provision was made in England to assist the worthy poor to emigrate. The new colony was named in honor of the king.

* It was for a time called Franklin, or Frankland, after Dr. Franklin. See the American Historical Magazine for January, 1896, Nashville, Tennessee.

By the charter, the government was to be in the hands of Oglethorpe and his associates, as trustees for the colonists, till at its expiration the colony should become a royal province. Thus the settlers had nothing to do with the direction of their public affairs. This proved a cause of discontent.

Oglethorpe, like all the founders of colonies in America, wished to dispose of the soil, subject to a perpetual rent, which, though small, only fourpence a year for a hundred acres, caused dissatisfaction. Another regulation caused even greater discontent. The land, as in England, was to descend to the oldest son, to the exclusion of other children, but a law was passed in 1739 permitting inheritance to daughters when there were no sons. The colonists soon discovered that they were governed by law-makers not of their own choosing, and by laws not of their own making, and that until the twenty-one years of the charter passed, they could not secure a title to their lands. All were held in trust by Oglethorpe, his associates, and their successors. The trustees displeased the colonists by some of their regulations, although these would now be considered very good. They forbade the importation of alcoholic liquors, as they wished the colony to be temperate and orderly; but the colonists complained because, they said, the prohibition cut them off from a profitable trade in rum with the West Indies and drove that trade to other colonies.

The trustees also forbade African slavery, as they wished the colony to be self-supporting. The colonists got partly round this difficulty by importing white "apprentices," whose labor was sold to them for a term of years. The trustees rather favored this, as it increased the white and ultimately the free population, and strengthened the colony against the Spaniards.

Great hopes were placed on the culture of the mulberry and the production of silk. The climate was thought to be well adapted to the industry. Olive, orange, and lemon trees and grapevines were imported from Italy, and it was confidently said that Georgia would soon furnish England with silk, wine, and tropical fruits. But the colonists knew very little about silk-culture or wine-making. Their silk

was coarse and could not compete with the French and Italian silks in the English market; nor could the sour Georgia wine compete with the rich wines of Italy, France, and Spain. Though on the seal of the colony the trustees represented silk-worms spinning their cocoons, they soon discovered that the silk industry would require many years of labor and experiment before it would attain perfection. The colonists complained that they were discriminated against in the English market, and became discouraged.

Like William Penn, Oglethorpe laid the foundation of a city as the chief town of the colony, and like Philadelphia, located it on a noble river. He gave the city the name of the river, Savannah, and the town flourished from its beginning (1733). But instead of becoming a city of silks and wine it was destined to become a city of cotton. The inducements to settle in Georgia brought a various people: Germans from Salzburg, Scotchmen from the Highlands, Huguenots from France, and Irishmen from the north of Ireland. Most of Georgia was a wilderness, the home and hunting-ground of the Creeks, Choctaws, and Chickasaws; the settlements were along the Savannah. With the Indians the settlers carried on a profitable fur trade, compared with which the other exports of the colony were of little value.

The settlers called loudly for negro slaves. Along the South Carolina border, however, they hired negroes for life, and thus practically introduced slavery. Finally, in 1749, the trustees, much against their will, opened the colony to the slave trade and the importation of rum. Immediately the industries of Georgia changed. Large plantations began the cultivation of indigo and rice, the last a native product of the country. The West India trade became great and profitable. The Georgians thought that they had an equal chance with the other colonies. The wilderness to the west was rapidly taken up in large plantations, and there was some immigration from the Carolinas and Virginia.

Among the first who came to Georgia were the brothers John and Charles Wesley, the founders of the Methodist Episcopal Church. They were young men, fresh from Oxford, and zealous to preach the gospel. Charles was

secretary to Oglethorpe. They found great difficulty in pushing missionary work among the Indians because of their ignorance of the Indian tongues. Returning to England, they began a religious movement which has been felt over the whole world. "All the world is my parish," was John Wesley's motto. The brothers did much in England to stimulate immigration to Georgia and to other parts of America.

About the time of the introduction of slavery into Georgia, the colony was visited by the famous preacher George Whitefield. He had made a circuit of the colonies and had moved multitudes by his eloquence. The people of Philadelphia built a large edifice for his services when he might visit the city.* Whitefield was among the first to advocate the establishment of orphan asylums. He started one in Savannah, and bought a large plantation, conducted it by slave labor, and gave the profits to the asylum. He favored slavery because, he said, the African slave was better off on an American plantation than in savage Africa.

His friend Franklin did not agree with him. The Wesleys, too, became powerful opponents of slavery, and urged the doctrine of emancipation upon all their followers. When the Constitution of the United States was made, it was said by one who signed it, Nathaniel Gorham, that the Quakers and the Methodists were the only people in the country who would not own slaves.

Oglethorpe was a distinguished soldier, and turned his military knowledge to the benefit of the colony and the home government. He made treaties with the Indians and built forts along the Spanish border. St. Augustine, not far from the border, was the headquarters of the Spanish in Florida. The Georgians complained that their runaway slaves found a refuge in Florida; the Spaniards claimed that all Georgia was Spanish soil. Military expeditions were frequent, and the colonists to the south were in almost constant fear of Indian and Spanish depredations.

After trying eighteen years to manage the colony, the trustees gave up discouraged, and assigned all their rights

* The building was soon after acquired for the Charity School, out of which grew the University of Pennsylvania.

to the crown. Oglethorpe and his associates had attempted an impossible thing. Self-government was the only kind of government that could prosper in America. Georgia proved this. After all these years, during which the trustees had charge, less than a thousand families had settled in the colony.

Georgia was the last of the colonies, and it became a royal province in 1752. The king then appointed a governor and the people chose an assembly. Every freeman of the age of twenty-one who owned land or paid taxes or followed a mechanic's trade could vote, but as in other colonies, the right was denied to Roman Catholics. The new government satisfied the people little better than the old. The assembly and the governor disagreed, as in other royal colonies; the Stamp Act displeased the Georgians as much as it displeased the people of New England and the middle colonies, and when the Revolution broke out, they were equally devoted to the cause of liberty. General Oglethorpe was the only founder of a colony who lived to see it become a commonwealth and a part of the American Union.

From the founding of the first English colony, Virginia, in 1607, to that of the last, Georgia, in 1733, was a hundred and twenty-five years. During this time thirteen colonies were established, extending from New France in the north to New Spain in the south, and laying claim to the land from the Atlantic to the Pacific, then called the South Sea.

By 1776, a few settlements had been made in western Virginia (Kentucky) and in western Carolina (Tennessee). At this time Vermont, claimed by New Hampshire, Massachusetts, and New York, transformed itself into a free and independent community. Unlike the settlements in New Spain and New France, those in English America were not made as mere military occupations. Every English-speaking colony was a collection of permanent homes. English settlers, unlike the French or the Spanish, did not plan to make a fortune in the New World in order to spend it in the Old. This home-making habit of the English bred a permanent interest in American colonial affairs, quite distinct from that in affairs strictly English. The English

colonists looked upon their local governments as permanent institutions possessing rights clearly granted by the charters.

Love for England was strong, and every English colonist was proud of his birthright. England encouraged this feeling of patriotism and colonial pride. Yet the colonists were left much to themselves. Not so the settlers in New France and New Spain. There liberty was unknown, and government was impersonated in the military head of the colony. New France and New Spain were French and Spanish camps, nothing more. The English colonies were prosperous, contented, liberty-loving, home-like settlements. As the English government was the best in the world, so its colonies were the freest, happiest, and most prosperous. Self-government, a spirit of independence, and general prosperity were inevitable in the colonies in spite of any shortsightedness in Great Britain's policy toward them. The reason lay in the isolation of the colonies from Europe and in the character of the people themselves.

The settlements extended along the Atlantic coast from the Kennebec to the Savannah, but inland not over an average of forty miles. They were tide-water colonies. The wilderness was thus close to the water's edge. Along the frontier lurked the savages, ever instigated by the French to keep up an incessant war. Thus the colonies were in common danger, and this tended to unite them. Indeed, common danger was the first great cause of colonial union. Within the English settlements about a million and a half of people were to be found.

Westward and northward lay the power of France, determined to contest farther English advance. Thus at the middle of the eighteenth century the issue was clearly before the colonies. Had they reached their limit? Were they to be excluded from the Mississippi Valley? Were the Alleghany Mountains to be forever their boundary-line? Was France or England to possess the valley of the Mississippi? Let us first see what the French had been doing in the great valley.

CHAPTER X

ENGLAND AND FRANCE AT WAR FOR THE CONTINENT

1535-1763

From the days when Cartier (1535) and Champlain (1608) began exploring the continent, and named a part of it New France, the relations between the French and the English in America had been hostile. In the St. Lawrence basin the French had strengthened themselves, as they thought, for all time. Quebec, a fortification by nature, was bristling with French cannon and was the Gibraltar of America. This was the chief French stronghold; the military capital of France in the New World. From it went forth missionaries and soldiers to win the continent for France. All missionaries were explorers and map-makers. They were the eyes of France spying out the land.

During all the years of English colonization, from the planting of Jamestown to the founding of Georgia, these missionaries and other resolute Frenchmen were traveling over the Mississippi Valley, selecting points for future fortification, conciliating the Indians, and mapping the country. Some of them visited the English colonies, and reported their condition as accurately as they reported that of the tribes in the Northwest. Thus France knew more about the English in America than England knew about the French. The chief causes of hostility between the two nations were their difference in religion, their treatment of the Indians, and their claims to the Mississippi Valley.

The French had been about sixty years in the valley of the St. Lawrence before they began the exploration of the greater valley to the southwest. Down to 1660 New France extended only over the St. Lawrence basin. But the fur trade brought news to Quebec of a rich country beyond, and in 1672 the governor sent two remarkable men to ex-

plote. Jacques Marquette and Louis Joliet started on their eventful journey from the westernmost French trading-post, Michilimackinac, in May, 1673. Even the Indians warned them not to make the venture. Taking six men with them, they sped over the lake westward in two canoes; entered Green Bay, breasted the rapids of the Fox River, waded the marshes at its head, crossed a narrow portage, and paddled down the Wisconsin through a region never before visited by white men. For a week they passed on, feasting their eyes on the glorious freshness of the New World clothed in the flower and foliage of early summer. Wider grew the river till at last it joined a greater which flowed to the south.

It was June 17th, a day destined also to mark another great event in American history a century later. Southward they turned their canoes, and now began looking for the sea. Wider grew the river and more turbulent, for the snow and ice of the north had melted and swelled the waters. But they never feared. They knew they had found the great river of which the Indians had told them. On they paddled; passed great rivers that joined the main stream on the east and on the west. This must be the Ohio, which they called The Beautiful; that must be the main stream because it was so large, but we know that it was the Missouri they were passing. And so on they went toward the gulf till they reached the place near where De Soto had discovered the great river, thirty-two years before, probably not far from the mouth of the Arkansas. Then they turned their canoes about and paddled back to Lake Michigan. When they reported their wonderful voyage to the governor, he sent word to the king that New France was explored southward over twelve hundred miles. This canoe voyage was one of the most wonderful in human history. Only men of extraordinary character would attempt it. Its importance cannot be fully estimated. In recent years the state of Michigan has placed a statue of Marquette in the capitol at Washington. A city bears the name of Joliet and another that of Marquette. The two men may be called the great French pathfinders.

But Marquette and Joliet had not reached the sea, and

New France must know no other boundary. In 1678, Robert de La Salle set forth to find it. He and his companions started from Quebec, continued southward to Lake Erie, and near Detroit they built and launched the Griffin, the first ship on the Great Lakes. Then they turned toward the northwest, over Huron, through the straits, westward to Green Bay, along Marquette's course, southward along the western shore of Lake Michigan. He crossed the portage to visit a camp of Indians on the Illinois near the present site of Peoria, and built a fort to which he gave the pathetic name of Fort Crève-cœur (broken heart). Leaving a small garrison under Henri de Tonti, with orders to build another ship that might carry the expedition to the sea, La Salle went back to Quebec for supplies. But on his return to the fort he found it ruined and deserted. Had Tonti gone down the Illinois? Had he set out for Quebec? In search of him he passed down the river as far as the Mississippi, but convinced that Tonti had not been there, he turned back and encamped for the winter on the St. Joseph River.

At last, in November, 1681, he could wait no longer, and turning again southward he began his eventful journey. He crossed Lake Michigan, entered the Chicago River, carried his canoe over the portage to the Illinois, and was soon on the Mississippi. Marquette had passed this way in June; La Salle reached the river in February, but he was not terrified by the vast mass of floating ice and trees. Boldly he kept on till he came to the sea. He had accomplished the great object of his journey. New France now extended from Labrador to the Gulf of Mexico. La Salle was the first European to reach the gulf from the north. Standing at the mouth of the Mississippi, he unfurled the Lilies of France, claimed all the country watered by the Mississippi and its tributaries as French soil, and to the new region he had found he gave the name Louisiana, in honor of Louis XIV. Now began the toilsome journey back to Canada. La Salle retraced his course, and with military sagacity selected sites for fortifications. He knew that his mere claim of Louisiana could not hold it against England and Spain. Forts must be built at commanding points and colonies must be settled about them. Nor was this all.

The Indians must be won over and be made firm allies of the French. This in brief was La Salle's policy, and he proceeded to carry it out. In December, on his way back to Canada, he built a fort, which he called St. Louis, on the Illinois, near the present site of the town of Ottawa. This would keep the Indians in order and also guard the portage to Lake Michigan.

For many years his route was the French highway from Louisiana to Canada. It passed through the Chicago River. In 1703 the French Academy published a splendid map of North America, which shows the results of the wonderful explorations of the "pioneers of France in the New World." La Salle returned to France full of enthusiasm. In 1684 he started with many colonists for the mouth of the Mississippi. There he planned to build a fort and to close the great river to the Spaniards. But by some error in navigation, he missed the Mississippi and landed at Matagorda Bay, in Texas. Here a fort was built. Fever attacked the colonists. They quarreled among themselves. At last La Salle turned his face toward Canada, and with a few companions sought the familiar waters of the Illinois. We know that there was treachery and that the brave La Salle was murdered by his companions. Little did his murderers know that in striking him down they had dealt New France a fatal blow.

While Champlain was founding New France at Quebec, John Smith was at Jamestown, laying the foundations of Virginia; Henry Hudson was exploring the Hudson; the Dutch were settling New Amsterdam (New York City); the Pilgrims were settling Plymouth, and Winthrop and his associates were founding Boston and Massachusetts.

While Marquette and Joliet were on their wonderful voyage down the Wisconsin, the Mississippi, and return, the Friends, or Quakers, were settling New Jersey at Burlington; the first settlers of Carolina were building their houses on the Ashley and Cooper rivers; Governor Berkeley was oppressing the Virginians, and Bacon was brooding over some plan for their relief.

While La Salle was floating down the Mississippi in search of the sea, William Penn was receiving a charter for

Pennsylvania, where seventy years later the first blood was shed in the final contest between France and England for the Mississippi Valley. Thus from the days of Champlain (1608) to those of La Salle (1684) France was exploring the valley and erecting a few forts to hold it. England was sending thousands of settlers to her colonies to build homes. Massachusetts, Connecticut, Virginia, the Carolinas, and Georgia claimed westward to the South Sea, thus covering nearly all claimed by the French in the Mississippi Valley. How was the approaching contest likely to end? It will be noticed that the period of French exploration coincides with the seventeenth century.

In less than five years after La Salle's death, the contest began. New France now consisted of three parts: Acadia, in the northeast, consisting of the greater part of Maine and Nova Scotia and New Brunswick; New France, on the St. Lawrence basin; and Louisiana, the valley of the Mississippi. The contest began in 1689, when Louis XIV. of France took up the cause of James II., whom the English people had forced to flee from his throne and whom William and Mary had succeeded by parliamentary title. Thus France and England were at war, and the people of North America were involved in the contest. In English America it was known as King William's War; in French America it was known as a war for Louis XIV. and the defense of Acadia. But the statesmen of England and France knew it was the beginning of a great struggle that should decide which nation should have the mastery in America.

France began the war in 1689. Count Frontenac, a distinguished soldier and governor of New France, was ordered to destroy the English colonies. Accompanied by his Indian allies, he promptly moved down upon New England and New York, and for six years ravaged their frontier. This was the time when Leisler called the first American Congress to assemble quickly at New York City and unite in a plan for the protection of the country (1689-90). Happily for the English, the powerful Five Nations were between them and Canada and were unappeasable foes of the French. While Frontenac and his Hurons were burn-

ing Schenectady, butchering the settlers at Salmon Falls and at Exeter, New Hampshire, the Iroquois were ravaging the French towns on the St. Lawrence and burning their victims in sight of the garrison at Quebec. But Quebec was impregnable, at least to Indians, as were Montreal and Port Royal. These three strongholds poured forth companies of French and Indians as a hive gives forth swarms of bees. Until the three strongholds should be taken, the English colonies would be quite at the mercy of the French. Expeditions against each were attempted. One succeeded. Sir William Phipps, in 1690, with a fleet from Boston, destroyed Port Royal. But Quebec and Montreal laughed him and his fleet to scorn. So the French had things much their own way, and for seven years took prisoners, burned and scalped the settlers, and laid waste the whole English frontier.

Among the towns they ravaged were York (1692), Castine (1694), Maine; Durham, New Hampshire, and Haverhill, Massachusetts (1697). Now Haverhill is about thirty miles from Boston; might not the French and their Indian allies advance farther south and the terrifying yell of the savages be heard in Salem and New Haven? Nor were matters less terrible in New York. The French, in 1696, led by Frontenac himself, had surprised the powerful Onondagas, and the way was now open to all the towns along the Hudson. But in the following year the treaty of Ryswick was signed, and the war closed. By the treaty, each country stood just as it did before the war. Port Royal was given back. But only a few years. The treaty settled nothing. When the war was resumed, Anne was Queen of England, and the war, therefore, was known to English America as Queen Anne's War. All the old horrors were now repeated. French and Indians swept down upon the English frontier. Towns were burned. Hundreds of men, women, and children were scalped, burned at the stake, or dragged into a horrible captivity. Quebec defied the English. Port Royal, in 1710, again fell into their hands. For twelve years the contest raged. Then came the treaty of Utrecht, in 1713, and peace.

This time things were not suffered to remain unchanged.

France surrendered Acadia and all claims to the Hudson Bay country; Port Royal was renamed Annapolis, after the queen, and Acadia was named Nova Scotia. Among the boys of Boston at the time of the treaty of Utrecht was one just seven years of age, named Benjamin Franklin. His father and mother were very intelligent people, and were accustomed to discuss public events before their children at the dinner-table. The surrender of Acadia was a great event. The news of the treaty was celebrated in Boston with bell-ringing, bonfires, and parades. As Franklin's father explained the meaning of the celebration to his children, he little imagined that his youngest boy was to bear an active and decisive part in the final struggle between France and England for the possession of America, and that afterward he should be foremost in bringing about American independence. France had lost Acadia, but she resolved to hold New France and Louisiana at any cost. This meant a military occupation of the two great valleys—the St. Lawrence and the Mississippi.

Quebec and Montreal guarded the St. Lawrence, but only two feeble stockades guarded the entire valley of the Mississippi: Fort St. Louis, built by La Salle on the Illinois; the other, Fort Biloxi, built by Iberville, a young French officer who, in 1699, attempting to carry out La Salle's plan, landed in Mobile Bay, and after some time spent in exploration, finally returned to the coast. At the time of the treaty of Utrecht, these two feeble forts, nearly a thousand miles apart, were the military defenses of Louisiana. France henceforth lost no time. From 1713 not a day passed that did not record the activity of the French in Louisiana. Priests and soldiers explored its hidden recesses and mapped its rivers, its mountains, and its portages. Not a year passed that did not witness the erection of a French fort or a stockade.

The French plan was simple. Beginning at Quebec and Montreal, a chain of forts, within supporting distance, should be built along the entire English frontier, and thus prevent an English invasion of Louisiana.

The plan was thoroughly carried out. The French frontier coincided with the highlands that divide the streams

emptying into the Atlantic from those emptying into the St. Lawrence, the Great Lakes, the Ohio, the Mississippi. Nor was the fortification of the frontier all that was done. France planned to regain Acadia, and as an initial step, Louisburg was built on the island of Cape Breton. The French military engineers at this time were the most famous in the world, and their skill was exhausted in the building of the new stronghold. They boasted that Louisburg was the strongest fortification in America.

While France was dotting the country with forts, English colonization was drawing to a close. Georgia was founded in 1732, with boundaries westward to the South Sea, and at least three French forts were within its confines. All the other French forts stood on ground claimed by the Carolinas, Virginia, New York, Massachusetts, and Connecticut. Here France extended her fortifications as rapidly as possible.

Though boldly invading the Indian country, the French had little difficulty with the Indians. This was due to their Indian policy, which respected all the traditions, the rights, and most of the wishes of the savages. The hunting-grounds of the Indians were undisturbed; their land was not converted into orchards and corn-fields. They were supplied with guns and ammunition, and also with an enemy abounding in spoil—the English. The French explorers and missionaries accepted Indian life as they found it and freely made themselves at home in the wigwams. Soon a generation of half-breeds, more savage than the savages, more at home with them than the French, was springing up in New France. These vagrants were joined by many young Frenchmen who preferred the freedom of the forest to the restraints of civilization.

Thus there grew up a class of French foresters, *courcours de bois* (wood-runners), as they were called, who formed a bond of connection between the settlements along the St. Lawrence and the wild tribes of the Huron wilderness. Unlike the English, the French did not try to enslave the Indians, nor to make them work, but treated them as hunters in their employ. The great chiefs they treated with consideration; loaded them with gifts and attached

them as closely as possible to their interests. Thus it followed that where French forts were thickest, the Indians were most devoted to the French. About these forts the various tribes gathered and gave the priest and the fur-trader opportunity for active labors.

Save for a short time in Pennsylvania, the English were never at peace with the Indians; they abhorred their customs, scorned their rights, and never tolerated social relations with them. The plowed field was ever getting larger, the hunting-grounds ever getting smaller. The English were not fur-traders like the French. They desired houses, lands, cattle, ships, commerce, political discussions. Moreover, no two colonies pursued quite the same Indian policy, in contrast to the fixed policy of the French. So the Indians said, "All Frenchmen alike, no two Englishmen alike." The Indians, from the first, hated the English, except as they used them as allies, as did the Five Nations. When the final struggle came between France and England, for the control of America, all the tribes of the Mississippi Valley quickly joined the French.

It was only by most skillful management on the part of Sir William Johnson, governor of New York, that the Senecas, Cayugas, and Tuscaroras, three of the Five Nations, did not join the French. In fact, the Senecas did join them. Many years later, Cornplanter, a great chief of the Senecas, told Washington that at the time of Braddock's defeat it was the fire of the ambushed Senecas that cut down the British officers. Again and again Cornplanter fired at Washington, but at last he was persuaded that the brave Virginian carried a charmed life and desisted. Later in the war the Senecas concluded that they had joined the losing side, and abandoned the French; but had the choice rested with the Indians of the Mississippi Valley which power should be suffered to remain there, America would now be New France.

Early in 1744 war broke out again. On this side the Atlantic it was called King George's War, after George II. On the other side, it was known as the "War of the Spanish Succession." Again the French took the offensive and entered upon what they hoped would be the reconquest of

Acadia. Governor Shirley, of Massachusetts, seeing the drift of affairs far more clearly than did the ministry, advised that Nova Scotia be saved. Louisburg must be taken. Strange to say, Shirley's plan was carried out. With some four thousand men, the flower of New England, with fourteen armed ships and a hundred transports, he sailed for Louisburg in March, 1745; on the 17th of June, ever a great day in New England, he captured the fortress. The thing seems almost incredible. Less incredible was the conduct of the ministry three years later when peace was declared; Louisburg was given back to the French.

France meanwhile adhered steadily to her plan. She built more forts, and chiefly on the Ohio, on the Allegheny, at Presque Isle, at Chautauqua Lake, and at Niagara. Lest any doubt might arise that this part of the country was French soil, official notices on sheets of tin were nailed to the trees, and more elaborate claims, stamped on plates of pewter, were buried in the ground. These plates were planted along the Ohio and the Allegheny. Several have been found. One, not many years ago, was discovered at Franklin, Pennsylvania, by some boys while bathing in French Creek.* Doubtless others will be found as the waters of the Allegheny, the Ohio, the Muskingum, the Miami, the Conewango, and French Creek, receding from their overflow in the spring, wash away the banks, forsake old courses and open new ones. Most of these plates were placed by De Bienville, a young officer sent by the governor of Canada for the purpose. It will be noticed that these plates were buried on the line along which the English and French were soon bound to come into collision—western New York, western Pennsylvania, and western Virginia.

But something more was needed to hold the country than tin plates tacked on trees and leaden ones buried at the confluence of streams. A chain of forts was ordered to be erected in the Allegheny Valley. De Bienville executed the order promptly. In 1752, one was built at Presque Isle (now Erie). From here a portage was opened southward fifteen miles to French Creek, and a fort was

*The late S. J. M. Eaton, D.D., of Franklin, told me that he saw this plate.

built called Fort Le Bœuf, now Waterford. Farther down the creek Fort Michault, or Venango, was built, on the site of the city of Franklin.*

News of the arrival of the French on the Allegheny soon spread through the colonies. It was of serious moment to Virginia, for that colony claimed the region. Governor Dinwiddie and other members of the Ohio Company were greatly excited, because the new French operations were on the very ground which King George had recently granted to them. The governor acted promptly. He dispatched George Washington, then in his twenty-second year, to make careful investigation of the country; to find out all he could about the French forts and their basis of supplies, and then give to the French commandant a formal letter ordering him to withdraw from the country.

Washington at once set out. As a messenger from a colonial governor to an obscure French officer in a small fort in the wilderness, began his long public service which remains unparalleled in history. Arriving at Fort Le Bœuf, he delivered his letter to its commandant, Saint Pierre, who, recognizing the gravity of the demand, gave Washington a polite reception, but said he would send his letter on to Quebec, that the governor, the Marquis Duquesne, might read it and give orders. Meanwhile, Saint Pierre would hold Fort Le Bœuf and the French would continue to execute their plans. So Washington hastened back to Williamsburg, while a French courier bore his letter to Canada. Dinwiddie knew from the message sent him that the French had no intention of retiring. The Ohio Company must take possession of its claim and hold it till reinforced. This meant a military occupation of the disputed valley.

As quickly as possible, two militia companies were mustered in at Williamsburg to march to the Ohio, to take possession and to hold the country against the French. An advance party of forty arrived at the forks of the Ohio, where Pittsburg now stands, about the middle of February, 1754, and at once set to work building a fort. For two

*The railroad from Brockton to Mayville, on Chautauqua Lake, passes through the ruins of one of these French forts.

months they labored, till suddenly a strong force of French and Indians from Fort Le Bœuf surrounded them and demanded their surrender. About half of the company had returned to Virginia, and the remainder could not defend the place. They were suffered to withdraw; the French then took possession, completed the fort, and called it Fort Duquesne.

The Virginians hastened homeward, and a short distance away, at the present site of Cumberland, Maryland, met reinforcements under Washington. The Virginia Assembly had meanwhile appropriated ten thousand pounds for the defense of the Ohio country, and already equipped some troops, and Washington, the lieutenant-colonel, taking seventy-five men, had set out to reinforce the Virginians at the Ohio. Suddenly he met them in full retreat, bringing the news that the French were in possession.

Washington had no orders and no intention to retreat, and he decided to push forward, to erect a new fort and to hold the country. At the Great Meadows he threw up earthworks, and called them Fort Necessity. Suddenly the French were reported near. Washington surprised them. Jumonville, their leader, was killed, and only one Frenchman escaped. Abandoning Fort Necessity, he pushed on again toward the Ohio; but a superior force of French and Indians was now reported just ahead. Washington fell back to Fort Necessity, where he was quickly invested. He had few men and insufficient supplies. Deciding that he could not hold the fort, he surrendered it, on the 4th of July, and was allowed to march away with the honors of war. The final struggle for the possession of the Mississippi Valley had now begun, with the French in possession of Western New York, Pennsylvania, and Virginia.

In the old State House in Philadelphia hangs a flag with the device of a snake cut in pieces, each piece named for a colony, and beneath, the motto: "Join or Die." The device originated with Franklin, and first appeared in the *Pennsylvania Gazette* at the time when the French were taking possession of the Ohio Valley. Virginia and Pennsylvania were most interested in this act, for it was on their territory, but Franklin knew that the act affected every

colony. It was time for them to unite in common defense against the French and Indians. The suggestion was opportune, because the British government, through the Lords of Trade, the permanent royal commission in charge of colonial affairs, had directed that the colonies send delegates to a congress at Albany in order to make a treaty with the Six Nations, and thus unite them with the English in the impending struggle. The colonies north of the Potomac responded. Among the delegates from Pennsylvania was Franklin, who submitted a plan of colonial union that would bring the resources of the colonies to bear against the French, and also bring the colonies into a continental government, dependent upon the crown, but quite free in all local affairs.

It failed of adoption, but its failure brought the subject of a colonial union for the first time before representatives of all the colonies. The idea was educational to the whole country. Some of its provisions were incorporated later in the Articles of Confederation and in the Constitution of the United States. When the Albany congress adjourned, late in July, 1754, its members were convinced that some kind of a colonial union must be formed. The congress agreed, quite unanimously, that Franklin's plan was a good one. But the purpose of the congress had been accomplished. A treaty with the Six Nations was now made and the question of colonial union must abide events.

Washington's expedition to the Ohio began the final struggle which has been called by all English writers, as by the colonists, the French and Indian War. It really was a Franco-English war in America, with the Indians divided. The Six Nations joined the English; all the other tribes, from Hudson's Bay to the Gulf of Mexico, joined the French. England now realized what the colonists had known for many years, that the struggle was for the possession of America. The colonial troops were not trained alike, and no colonial officer was above the rank of a colonel in the British army. Washington entered the war as a lieutenant-colonel in the Virginia militia. There were colonial generals, but of the militia only.

The British government thought little of the military

capacity of its colonial officers, and less of the value of colonial militia. England, like her neighbors on the Continent, had been almost steadily at war for a hundred years. She had trained troops and many able officers, but her soldiers were accustomed to a settled country; to regular maneuvers, and to fighting in order of battle. England was now to test her power in America, fighting with Indians and Frenchmen in the wilderness. Edward Braddock was appointed major-general and commander-in-chief of the English forces in America. At the same time the home government ordered that colonial officers should have no rank when serving with officers holding the king's commission. Washington at once retired from the service, and many other colonial officers did the same. The British ministry wished it plainly understood that the war was to be fought by regular troops, officered by British officers. This certainly was not a happy beginning.

The commander-in-chief, Braddock, arrived in Virginia in March, 1755, bringing with him a plan for conducting the war. He summoned the governors of Massachusetts, New York, Pennsylvania, Maryland, and Virginia to meet him at Alexandria, and there told them what he was going to do and what they must do. The British troops that had come with him were to overpower the French, with the assistance of the colonial militia. The campaign on paper was clear and easy enough. The French were to be attacked at four points. Braddock himself would march to Fort Cumberland, cross into Pennsylvania, and rout the French at Fort Duquesne. Three other expeditions were to set out—one from New York to Quebec, by the route of the Hudson, Lake Champlain, and Crown Point; another from Boston to Louisburg, and thus cut off assistance from this quarter to Quebec and Crown Point, and a third from Albany to Lake Ontario, cutting off and destroying all the French forts to Niagara. So there would be very little left of the French when all this was done.

Among the Americans who met Braddock at Alexandria was Franklin, who was at the time the deputy postmaster-general of the colonies, and who was the best known and the best informed man in the colonies. Thackeray has

made a travesty of him in his story of the Virginians. Franklin hinted to Braddock that it would be difficult to reach Fort Duquesne with regular troops, unaccustomed to a wilderness, and ventured a few suggestions about Indian fighting. Braddock laughed at the advice, and with many oaths declared that he would fetch the army there without difficulty and capture the fort. "To be sure, sir," replied Franklin, "if you arrive well before Duquesne with these fine troops, the fort can probably make but a short resistance."

Then he told the general something about the American way of getting there. The Indians would be concealed in the deep woods; they would find the scarlet uniforms of the English soldiers a splendid target, and the British line would be "cut like a thread into pieces." But this both amused and incensed Braddock. "These savages," said he to Franklin, "may be indeed a formidable enemy to raw American militia, but upon the king's regular and disciplined troops, sir, it is impossible to make any impression."

The general invited Washington to serve on his staff. This greatly pleased him; he thought he would now see how a campaign should be conducted. It was early May. The troops were sent on to await the general at Will's Creek. Braddock followed a fortnight later, traveling in a coach. He briefly visited Lord Fairfax at Greenway Court, and hastened on to join the army. He had never seen such roads. He cursed them for being no better. Washington suggested that wagons must be abandoned, as a road must otherwise be cut for them in the wilderness. Braddock resented the idea as an intrusion, and stuck to his wagons.

The result was that hundreds of soldiers were deployed to make a road, and the wagon-train, loaded down with the baggage of the officers, stretched out some four miles. As the army moved deeper into the wilderness, hundreds of its foes, unseen, were watching for a time to strike. The Virginians were set to cutting the road for the regular troops and the wagon-train. Everything must move in military order. A place called Little Meadows was now reached. Braddock was amidst entirely new surroundings. He began to see his blunder. He condescended to ask

Washington's opinion, which was to send the rangers ahead to reconnoiter. One called the "Black Rifle," a famous Indian fighter, promptly came forward and offered his services. Braddock turned upon him in a rage, saying he would rely on regular troops. Then the woodsman and his rangers set their faces toward their homes on the Juniata and left Braddock to his fate.

Rejecting all advice, he pushed on. Early on the 9th of July, 1755, he moved forward, with twelve hundred regular troops and ten cannon, crossed a narrow ford and entered a ravine. Here De Beaujeu, a young captain from Fort Duquesne, with two hundred and thirty Canadians and nearly three times as many savages, met the English. At a signal from Beaujeu the Indians vanished behind rocks and trees. The English fired; the French captain fell. Then followed such a scene as no British soldier had ever beheld. The brave regulars were suddenly caught amidst an unseen foe that was filling the air with fearful yells and pouring in a continuous fire. The British officers held the men together and would not let them take shelter behind the trees.

"Forward!" was the order, but given in vain. The men were dazed, and too panic-stricken to run. Nearly all of the officers were struck down. Washington's coat was cut by four bullets; two horses were shot under him. At last, after doing all he could to retrieve his blunder, Braddock was shot down. Then the survivors broke into wild flight. Meanwhile, the savages could restrain themselves no longer. The unheard-of booty before them had stopped their fire. Braddock was carried from the field. A few officers, Washington, and the Virginians only were left. The regular troops were dead, or had vanished in flight. As the dying general realized the extent of the disaster, he could only groan. He passed away four days after the battle, saying: "We shall know better how to deal with them another time."

The principal effect of Braddock's defeat was the demonstration to Washington, Franklin, and many more Americans that a British general might make fearful blunders and that a British army in America might be beaten. On the

French and Indians, who had been awaiting Braddock's coming with dread, his defeat had a stimulating effect. They were sure that New France and Louisiana were impregnable. Along the frontier of Virginia, Maryland, and Pennsylvania, the settlers heard of the defeat with terror. It meant the horrors of an Indian war.

The great plan which Braddock had brought over came to naught, except the English victory at Crown Point, where Sir William Johnson, with Massachusetts and Connecticut militia, defeated the French under Dieskau, in September, 1755. Among the colonial officers present were John Stark and Israel Putnam. The English signalized their victory by calling the lake after the king—Lake George. The expedition planned against Niagara got as far as Oswego only, and returned. But Braddock's defeat was the most terrible disaster of all.

Though all this fighting had been going on in America, England did not declare war against France till May, 1756, nearly a year after Braddock's arrival in Virginia. France declared war in June, at once took the aggressive, and sent Louis Joseph, Marquis de Montcalm, to command all her troops in America. He was already a famous soldier, and doubtless the ablest governor New France ever had. During the next two years Montcalm carried the war into the colonies. It seemed as if New York and New England would soon be at the mercy of the French and their Indian allies, and great was Montcalm's success; even the Six Nations began to waver in their fidelity to the English.

At this critical time in the fortunes of Great Britain and her colonies, William Pitt, afterward Earl of Chatham, was called, in 1757, to direct public affairs, and his genius at once checked disaster and changed the course of events in America. His statesmanship rescued the colonies from their French and Indian foes and powerfully contributed to their later independence. His first step was to select men fit to carry out his plans. Louisburg, Quebec, and Fort Duquesne were the three most important points in New France, and must be taken.

In June, 1758, Louisburg was invested by Admiral Boscawen, whose fleet bore brave troops under General

Jeffrey Amherst. The third brigadier was James Wolfe, who was only thirty-one, and had been in the army since he was thirteen. It was the brilliant action of Wolfe and his Highlanders that forced the surrender of the stronghold. England had regained Acadia, and Pitt had found a man who could win victories. Pitt was the first English statesman who knew American geography. Washington had declared Fort Duquesne to be the key to the Mississippi Valley. But Ticonderoga was the key to the Atlantic plain. In July, an English army of fifteen thousand, under Lord Howe, fiercely beset it, but Montcalm repelled it, with fearful loss. Pitt knew that if Quebec and Duquesne were taken, Ticonderoga, like twenty other French outposts, would be abandoned. The campaign against Fort Duquesne was intrusted to Joseph Forbes, but his rapidly failing health put the expedition in charge of Washington. He knew the way to Duquesne. On the 25th of November, the French set fire to the fort, and in the glare of the flames fled down the Ohio. Washington planted the English flag on the ruins, and changed the name to Fort Pitt, in honor of the great minister. Washington was now twenty-six. Nor were his military services his only glory. He was chosen a delegate to the Virginia House of Burgesses, which a few weeks later publicly thanked him for his services to his country. Overwhelmed with surprise, he tried in vain to express his thanks. "Sit down," said the speaker; "your modesty is equal to your valor, and that surpasses the power of any language I possess."

He had been instrumental in breaking the power of the French in the great valley. He now retired from his five years' military service to Mount Vernon, and gave his mind to farming, to an ever increasing correspondence with leading Americans in other colonies, and to a watchful attention to the great events going on in America.

Pitt now concentrated military operations on Quebec, and called Wolfe to conduct them. Parliament voted twelve million pounds for the conquest of New France, which was to be attacked at all points. The forts from Niagara westward were one vast objective, but Quebec, the French Gibraltar, was the chief one. With great sagacity,

Pitt conciliated all the colonial assemblies and made the navigation laws as light as he could. The effect was immediate. Every colony supported his policy. He was the first and almost the only English minister who was universally popular in the colonies. Wolfe, like Pitt, was a genius, and the simplicity of his plans was equaled only by their success.

The direct approach to Quebec is up the St. Lawrence. Hitherto all expeditions had tried to reach it overland, by the way of the Hudson and Lake George. By June the ice was well out of the river and the English fleet was at the walls of the fortress. On the 26th the army disembarked. Below Quebec the river is a whirlpool for miles and the shore is precipitous. For nine miles above the city steep walls continue, and every landing-place was then a fortress. July and August passed, and every attempt against the place failed. Then Wolfe, though broken by fever and years of bad health, made a more careful inspection of the approaches. He discovered a cove—now called by his name—above the city, and saw a pathway, “so narrow that two men could hardly march in it abreast,” leading to the plain above. There he could see the French tents and he could hear the tread of their pickets. This obscure Indian trail was the entrance to Quebec. With wonderful skill, he deceived the French to the last moment.

On the night of the 12th of September he led a picked company up the steep path, and all night long the army followed. At dawn, Montcalm was astonished to see the British army in possession of the plain, drawn up in order of battle, and on higher ground than the fortifications of the city. The level land is known as the Plains of Abraham. A fierce battle at once began, and Wolfe led the charge. Montcalm was everywhere, cheering on his troops. Wolfe was struck three times, and at last, dying, was carried to the rear. “They run, they run!” cried an officer. “Who run?” asked Wolfe. “The French give way everywhere,” was the reply. Starting up, the dying hero gave a few brief orders “to cut off the fugitives,” and sinking to the ground, murmured, “Now God be praised, I die content.” Montcalm was struck twice, and the surgeon told him he

could not live long. "So much the better," he replied; "I shall not live to see the surrender of Quebec." And his words proved true.

One of the decisive battles of the world had been fought. America was to be English, not French. During the summer, Ticonderoga, Crown Point, Niagara, and Presque Isle fell, and Montreal followed in 1760. The triumph of England and her colonies was complete. They were freed from the terrors of Indian ravages. The assemblies, the towns, the churches, all gave thanks for the great delivery, but not until the tenth day of February, 1763, was peace assured by treaty. The seventy years' struggle between France and England for America was at last ended.

The results of the war were many and far-reaching. France retired from America, surrendering her possessions to England and Spain. The dividing-line between these two powers passed midway down the Mississippi River. All to the east, save two islands in the Gulf of St. Lawrence, was now English territory; all to the west was Spanish. The city of New Orleans fell to Spain. Florida was exchanged for Havana, which the English had captured during the war, and remained English territory till 1783. Thus the map of North America was greatly changed. The name Louisiana remained, but that of New France had vanished forever.



CHAPTER XI

WHO SHALL TAX AMERICA?

1763-1774

The treaty of 1763 gave England an undisputed title to a greatly extended area in America, consisting of three regions: The thirteen colonies, inhabited chiefly by Englishmen; Canada, inhabited by the French and Indians; and the country from the Allegheny to the Mississippi, from Florida to Hudson Bay, inhabited by hostile Indians. The thirteen colonies had well-organized governments, but Canada was a wilderness, save the region along the St. Lawrence, organized as the Province of Quebec, which extended southward to the crest of the Appalachian highlands dividing New York and New England from Canada. Florida, which for a hundred years had been shifting its boundaries, was now organized as two provinces: East Florida, comprising the present state east of the Appalachicola, and West Florida, containing also a part of the present area of Alabama, Mississippi, and Louisiana. Georgia was extended to the St. Mary's River.

Believing that the colonies and the three provinces gave ample room for settlers, the king reserved the remainder of the country, that west of the Alleghany Mountains, exclusively for the Indians. Beyond the highlands that divide the headwaters of Atlantic streams from the headwaters of streams flowing into the Mississippi, no white man should be suffered to go, and all settlers within this region should at once return to the colonies, to the Floridas, or to Quebec. The Indians henceforth should be unmolested and their country be forever closed to the whites—at least so the king's proclamation read. It will be noticed that the "proclamation" line coincides exactly with the frontier which France had been trying to establish for seventy years. Would the king's will prove any stronger than a line of

French forts? By the treaty of 1763, Spain was acknowledged master from the Pacific to the Mississippi, and from the tropics northward, as California might extend. France had been driven from the continent; but might she not attempt to reconquer her lost domain? England must do more than issue proclamations and make new provinces on paper; she must hold the new country with English soldiers. The ministry thought that ten thousand would be enough, and decided to distribute them from Canada to Florida. The thirteen colonies were to have their share.

Thus English America was to be protected by regular troops sent from England, and in return for this protection the colonies should pay a portion of the expense involved. This plan seemed very fair to king and Parliament. They reasoned that it was the colonies which had been chiefly benefited by the overthrow of the French in America. England had been at war almost continuously for a hundred years, and her public debt had risen in consequence to gigantic proportions, upward of one billion pounds sterling, a sum which seemed too great ever to be paid. The people of Great Britain were heavily taxed to meet the interest on this debt and to carry on the government. The American colonies were part of the empire. Its welfare was theirs. England had just closed a long struggle for their benefit. The French and Indians would no longer ravage the settlements. A few regular troops in America would prevent any sudden attack by France or Spain. Meanwhile the colonies would have peace and prosperity.

During the last two wars, King George's (1744-48) and the French and Indian (1749-56-63), the laws of trade and navigation intended to produce a revenue in America had been openly violated. Smuggling had quite wiped out revenue; but now the old laws should be revived, amended, and be executed strictly. The Americans were making a good deal of money on rum, which they manufactured out of the sugar and molasses brought from the West Indies. Here a slight impost tax would be productive, and would not be felt. Englishmen at home paid a stamp tax, small but productive, and not burdensome; the Americans should pay one also. Why should Englishmen in America be

avored more than Englishmen at home? So England decided to levy new taxes in America.

The navigation acts, or tariff laws, of the seventeenth century were now revived and amended and their execution attempted. But first, smuggling must be stopped. This meant the patrol of the Atlantic coast for nearly two thousand miles, from the St. Croix in the north to the St. Mary's in the south, with armed vessels that would now be called revenue cutters. But the Americans did not consider smuggling a crime, or even an offense. True, it violated English law, but they believed the law to be bad. If the smugglers were caught, they must be tried and punished. Violations of the revenue laws by ancient custom were tried before the admiralty courts.

To assist the naval officers, Parliament created vice-admiralty courts in America which should try all persons caught violating the navigation laws. The vice-admiralty judges were appointed by the king, and were to try all offenses without a jury. Now the right of Englishmen to trial by jury was at least as old as King Alfred. At once the Americans protested against the form of procedure in the new law courts, which, by depriving them of the benefits of trial by jury, was a violation of the ancient and undoubted rights of British subjects.

To tax sugar and molasses was not a new idea. The old tax of sixpence a gallon on the one and five shillings a hundredweight on the other was levied, in 1733, on all brought to the colonies, except from the British West Indies, and the assemblies had repeatedly protested against the act. Now for the sixth time Parliament re-enacted the law, but cut down the tax on molasses twopence, and added to the tariff list indigo, coffee, white sugar (the old tax had been only on brown sugar), wines from Spain and Portugal, and all goods from France or the East Indies. If the Americans did not wish to pay the duty, they could buy their supplies in England. But the Americans protested, saying that the law cut them off from trading with all parts of the world and favored the merchants and monopolies of England.

Stamp duties were a new thing in America. A strong

minority party in Parliament opposed them, not because of opposition to the prospective revenue planned by the Grenville ministry, but because of the proposed method of raising it. All through the French wars the assemblies had levied taxes, had collected the revenue, and had expended it in support of the crown. Pitt's popularity in America was largely due to his recognition of the exclusive rights of the assemblies to levy taxes, and he now took the same position in the long parliamentary debate on the Stamp Act, and with Pitt, in the minority, were John Wilkes and Colonel Barré. As soon as the news of the purpose of the Grenville ministry reached America, it produced great excitement. The colonies had business agents in London, among them Dr. Franklin, who represented Massachusetts, Pennsylvania, and Maryland. He was intimate with many of the chief men of England. He devoted himself to the cause of the colonies, and protested against the proposed act. It passed by a large majority, March 22, 1765, and was to go into effect November 1st, following. Meanwhile stamps and stamped paper should be prepared, should be taken to America, and there be sold by agents. These should be Americans, should be called "stamp-distributers," should be nominated by Franklin and other colonial agents, and should be commissioned by the king. The ministry thought that objections to the stamps would be lessened if the distributers were Americans.

Moreover, all money derived from the sale was to be expended in the colonies. Like all tax laws, the Stamp Act was explicit. Important legal documents were then written, usually, on vellum; but whether on vellum or paper, every one should be taxed from threepence to ten pounds sterling. Henceforth only stamped paper, made in England, and sold at prices fixed by Parliament, could be used in America for licenses, bills of lading, for playing-cards, for bonds and deeds. No one could print a newspaper, a pamphlet, or an almanac save on this stamped paper, and any person who violated the law should be tried without a jury in one of the new vice-admiralty courts.

No sooner were the details of the new law known in America than the indignation of the people broke out. In Boston,

the vice-admiralty courts had already had some sugar-act cases before them, and the denial of a jury to hear them had caused alarm. The merchants, the lawyers, the printers, the newspaper men, were now even more concerned at the position Parliament was taking on the Stamp Act. Opposition found voice in the resolutions of public meetings condemning the act. Political clubs were formed calling themselves the "Sons of Liberty," a name taken from a passage in one of Burke's speeches in the House of Commons, and the organization quickly overspread the country and was backed by the merchants. Excitement ran so high in Boston, that the Sons of Liberty attacked and pulled down the building in which the stamps were stored and hung the stamp distributors in effigy. The Stamp Act was a dead letter. So formidable was the opposition, the stamps and stamped paper were scarcely unpacked. None were sold. So complete was their destruction, few were even seen by the people. The unbroken packages were shipped back to England. Scarcely a specimen can now be found in this country. There were Stamp Act riots in Providence, New Haven, Newport, New London, Newark, and Annapolis. Public meetings denouncing the act were held in nearly every principal town.

The public was not slow to discern the cause of the excitement. A royal revenue was all well enough, and America was willing to help pay the expense of protection; though the people thought regular troops unnecessary, because the colonies could protect themselves; but for Parliament to tax America was a violation of the rights of the assemblies. Either these must levy the tax or assent to it, but they had neither levied it nor given it their assent; Parliament had ignored them entirely. The assemblies directly represented the people, but the people were not in any way represented in Parliament. So behind the Sons of Liberty and the American merchants and all the leaders of opinion, like James Otis and Samuel Adams, in Boston, and Patrick Henry, in Virginia, was the right of the assemblies, which, after all, meant the right of the people who elected them. What should the assemblies do?

The Virginia House of Burgesses was in session when

the news of the passage of the Stamp Act arrived. Virginia was the oldest of the colonies, and none was more loyal, but its existence was now involved. If Parliament could pass the Stamp Act, it could supplant the assembly and make every law of Virginia. One morning, in May, the house was electrified by a speech the like of which had never before been heard in America. Rising in his place, Patrick Henry presented a set of resolutions which declared, briefly, the opinion of the American people respecting parliamentary taxation in general and the Stamp Act in particular.

More than a hundred and fifty years before, Virginia had been settled by men who possessed and brought with them all the privileges and immunities at any time held by the people of Great Britain. These rights still belonged to the Virginians. The king had solemnly declared in two great charters that the people of Virginia were entitled to all the rights enjoyed by Englishmen born within the realm of England. One right of the people of the colony was to be taxed only by their own assembly, and a law levying a tax on them and passed without the consent of the assembly was a law which they were in no wise bound to obey. These resolutions, which stated the case in a nutshell, startled many members; but what would the end be? The political logic of the situation and Henry's eloquence were irresistible, and on the 28th of May the resolutions passed.

Copies were immediately sent to the other assemblies. The Stamp Act was now nine weeks old, and had been discussed more or less in every assembly. Massachusetts was in accord with Virginia, but went a step further. Its legislature, believing that the people of the colonies should act together, issued a circular letter suggesting that all meet in a congress at New York City, to take counsel together concerning the rights of America. James Otis, on the 6th of June, advised calling a congress to meet early in October. It should consist of the committees from each colony, elected by the lower house of each colonial legislature, and should pass judgment on any act of Parliament. Its origin, its composition, and its purpose were novel.

Though Virginia had set forth the rights of the people

and Massachusetts had invited the colonies to meet in a congress to consider them, all did not respond; but the meeting was assured by the action of South Carolina, and chiefly through the activity of John Rutledge and Christopher Gadsden. New Hampshire, Virginia, North Carolina, and Georgia did not choose delegates, though New Hampshire gave notice that it would sustain the action of the congress, and Georgia sent a special messenger to obtain a copy of its proceedings. On 5th of October, 1765, the congress met, and after a secret session of twenty days, issued a declaration of rights, which embodied the substance of discussions already heard in the assemblies. But the congress went further than a mere repetition of old resolutions. "Union necessary; dominion fatal," was the tone of its discussions.

For the first time a majority of the English colonies had assembled together, and the delegates parted strong political friends. A continental spirit was now for the first time aroused. In its declaration of rights, issued October 19th, the congress took a firm stand. The colonies, it asserted, were integral and loyal parts of the British Empire, and Americans were British subjects. It was their natural and constitutional right to pay no tax levied without their consent. They were not represented in Parliament, and from their geographical situation could not be. They could be taxed only by their own assemblies, whose delegates were freely chosen by the people themselves. This was remarkable language. It signified that the Americans claimed that their rights were both natural and constitutional.

The declaration then concluded with a clear statement of colonial grievances. These were of a twofold character, some affecting the political rights of the colonies, others affecting their industrial rights. Of the first kind was the violation of the right of trial by jury, and taxation without representation; of the second kind were the restrictions on trade, by the sugar act, the navigation acts, and the Stamp Act.

The country was a unit in its opinion. When November 1st, the day for the Stamp Act to take effect, came, the act was openly violated. No one would use a stamp or a

piece of stamped paper. The Americans went further, and took the aggressive. All over the country the merchants agreed to import no more English goods; to return those arrived, and to cancel all pending orders. The women of Philadelphia and other towns dressed themselves and their families in homespun. British merchants suddenly found their trade with the colonies at an end. As might be expected, Parliament was flooded with protests from American assemblies and petitions from British merchants to repeal the act.

Amidst the parliamentary debate on the repeal, the friends of Franklin arranged that he should be examined at the bar of the House of Commons for information respecting the condition of the colonies. He was called before the house on the 3d of February, 1766, and for hours was questioned about America. For the first time Parliament heard an account of it, complete, clear and accurate. The colonies, so Franklin told the house, imported not a single article that they could not do without, or make for themselves. With industry and good management, they could supply all their wants; nor would it take long to establish manufactures among them. Before their old clothes were worn out they would have new ones of their own making. He made it very clear that the Americans were fully able to support themselves. This was astonishing news. America ready to be industrially independent of England and the rest of the world! What then of political independence? They might claim that next. To a question involving the point, Franklin replied, "In time they may." On the 17th of March, the Stamp Act was repealed, after a bitter struggle. When, on the following day, George III. signed the repeal, he also signed an act declaring the power of Parliament over America to be "supreme, in all cases whatsoever." To the end Pitt had opposed the Stamp Act, and spoke eloquently for its repeal. Edmund Burke, though less outspoken, was also the friend of the colonies.

The Indian Country was largely left to itself when the excitement of the French and Indian War subsided. England knew little of its Indian domain, and less of its

savage inhabitants. A few regular troops were distributed among the principal former French forts, but so few and feeble were the detachments, a conspiracy speedily spread among the Indians to fall at one time upon all the English garrisons and to exterminate them and all other Englishmen in the country. The moving spirit and chief of this terrible plot was Pontiac, an Ottawa Indian, calling himself "the King and Lord of all the West." With undaunted courage, in 1763, he passed from tribe to tribe, beginning among the more southerly and passing on to the Senecas, the Shawnees, and the Delawares.

Terrible beyond precedent were the horrors which now befell the English garrisons. From the distant West to the Proclamation Line there suddenly broke out an Indian war which took the English garrisons by surprise. But civilization is stronger than savagery. Pontiac's conspiracy failed. It was the last far-reaching attempt of the Indians to regain their ancient domain. Throughout the war the Indians spared the French, among whom were many who did what they could to restrain the savages and saved many of the English from death. The failure of Pontiac's plan opened the West to settlement.*

Great was the rejoicing in the colonies when news of the repeal of the Stamp Act came. Pontiac's conspiracy seemed far away. The safety of Detroit, Sandusky, Miami, Presque Isle, and Pittsburg seemed to the people on the seaboard of less account than the repeal of an odious tax law. But when it was realized that Parliament, though repealing the law, still claimed the supreme right to tax the colonies in all cases whatsoever, rejoicings ceased. Parliament had formally declared its right to tax America. The assemblies and the late congress had with equal formality denied this right. Thus a great issue was drawn.

In July, 1767, Parliament voted that an American revenue was "expedient," levied a tax of threepence a pound on tea, and duties on paper, printers' colors, red and white lead, and glass, and a board of customs was established, with headquarters at Boston, to enforce the

* For an account of the first migration west, see the Constitutional History of the American People, 1776-1850, Vol. I, pp. 211-355.

navigation acts. The crown officers in New England had entered private houses in search of smuggled goods, showing as their authority the writs from the vice-admiralty courts, called writs of assistance. Otis and others had contended that these were illegal, and that by common law searches and seizures could be made only upon lawful warrant. Parliament now declared writs of assistance lawful, and also suspended the legislature of New York till it should comply with the act of Parliament known as the Mutiny Act, and furnish the British troops in the colony with requisite supplies.

The tax on tea was a trifle, and the Americans, having paid the tax, would yet get their tea cheaper than the English. These measures have been called the Townshend Acts, after Charles Townshend, who was then at the head of the ministry. But though the tax was a trifle, it violated the principle on which the Americans conceived colonial government to be grounded. Resistance, therefore, was strengthened. The non-importation agreements were more strictly carried out and the assemblies renewed their protests.

The treatment of the New York Assembly alarmed and provoked other assemblies. The Virginia House of Burgesses passed resolutions disapproving that treatment, and was promptly dissolved by the royal governor, ever obedient to the king's will. The Massachusetts legislature sent a circular letter to the other assemblies advocating union and a joint action which would protect American rights. Hutchinson, the governor, ordered that the letter be recalled; the legislature refused, and was dissolved. Nothing thus far done by any assembly gave greater offense to the king than this letter of Massachusetts, but it met with the approval of the other assemblies. Maryland, Virginia, South Carolina, and Georgia sided with Massachusetts. If the Massachusetts letter irritated the king, the dissolution of the assemblies irritated the Americans. They considered it a violation of the constitutional powers of the king, and later it was made one of the formal charges against him in the Declaration of Independence.

In December, 1769, the idea of a union of the colonies

was brought forward by New York. There should be one general congress that should legislate for all the colonies; but the ministry succeeded in frustrating the scheme for the present. "Will not the refusal of all other duties (than that on tea) satisfy the colonists?" inquired a member of the ministerial party of Franklin. "I think not," he replied; "it is not the sum paid in the duty on tea that is complained of as a burden, but the principle of the act."

The winter of 1769 was one of public discontent. British troops had been arriving for some time, and nowhere were they given a welcome. Massachusetts and the Carolinas would make no provision for them. An encounter of some kind was likely to break out at any moment. The troops in Boston were encamped on the Common, but sentinels were posted here and there to guard public property. On the night of March 5, 1770, an alarm of fire filled the streets with people. A restless crowd of men and boys, finding the alarm false, turned upon a sentinel and began tormenting him. He gave the word, and six men and a corporal came to his assistance. This incensed the crowd, who began throwing snowballs and stones, and shouting, "Rascals, lobsters, bloody-backs!" The confusion increased; a soldier fired, and his companions followed with a volley. Six of the crowd lay wounded and five were dying, or dead.

The city was instantly aroused to great excitement; and the news, gathering strength, was carried from town to town: "The redcoats have massacred citizens of Boston in the street." The troops were soon removed down the bay; but hostility to the cause they represented could not be quieted. A tragical scene had been acted before the eyes of all America. A revolution was under way.

In spite of Franklin's warning, Parliament, in repealing the American duties, insisted on a tax of threepence a pound on tea. The Americans had long been great tea-drinkers, but suddenly they gave up the luxury. There was an export duty of a shilling a pound in England. This was removed, so that after paying the tax the Americans would get their tea at least nine pence cheaper than the

English. But the Americans were firm. Not an ounce of tea would they buy. Tea commissioners were appointed to receive the cargoes sent over, but public sentiment compelled the commissioners to resign, or to return the tea to England.

In Charleston, South Carolina, the tea was ruined by being stored in damp cellars. In Philadelphia, it could not be landed because of the people, and the ship that brought it turned back to London. In Boston, the tea-ship was ordered to return to England, but could get no clearance papers. A company of men, somewhat imperfectly disguised as Mohawks, left a public meeting, boarded the ship, burst open the chests, and threw the tea into the sea. A similar tea-party met near Gloucester, in New Jersey. A few leaves of tea fell into the shoes of one of the Boston "Mohawks," and is still displayed at the old State House as a very rare and superior "drawing" of old Bohea.

News of the "tea-parties" exasperated Parliament. A crisis was at hand; the colonies were in rebellion, and they should be brought to their senses. The ministry had the majority of the people of England behind them. "The leading question," said Wedderburn, one of the leaders in the House of Commons "is the dependence or independence of America"; and he was no friend to the colonies. The turbulence of the Americans was greatly exaggerated in the English reports. Lord North was at the head of the ministry. He brought forward and passed five measures in March, 1774. These were:

The Boston Port Bill, which passed both Commons and the Lords unanimously, closed the port of Boston to trade of any kind, and removed the custom-house to Marblehead. This was a blow at the industrial rights of the people of Boston, and indirectly to the people of other colonies also.

The bill for the government of Massachusetts, which passed by a vote of more than three to one, abrogated the charter of 1692, by abolishing town-meetings except for the election of town officers, or by special permission of the governor. This was a blow at the assembly, because representatives were elected in the town-meetings. Sheriffs were to be appointed and removed by the governor at

pleasure, and the sheriffs were to choose all jurymen. This was a blow at the right of jury trial.

By a vote of more than four to one, a bill was passed transferring to Great Britain for trial any person indicted for murder or other crime. This was a blow at the ancient right of an accused person to be tried in the place where the act was committed.

The quartering of troops on the people was declared legal. This violated an ancient right. This was the fourth act.

With unanimity, a fifth act, called the Quebec Act, authorized on the St. Lawrence "the free exercise of the religion of the Church of Rome and confirmed to the clergy of that church their accustomed dues and rights." This provision strengthened British interests in Canada, and extended the Province of Quebec southward to the Ohio River, thus ignoring the rights of Virginia, Connecticut, and Massachusetts, whose territory, by their charters, extended from the Atlantic to the Pacific. In reorganizing Quebec, no provision whatever was made for an assembly.

Each of these stringent measures violated what the assemblies had already declared to be "the ancient undoubted rights of the people." It is not strange that the Americans called them "the five intolerable acts."

The five acts were chiefly intended for Massachusetts; but in attacking one colony, Parliament virtually attacked all. If these acts were the beginning, what would be the end? Sympathy with Massachusetts and the sense of self-protection were alike stirred. Virginia again took the lead. The assembly declared the day when the Boston Port Bill should take effect a day of "fasting, humiliation, and prayer." This was a remarkable thing, because the Virginians differed in many ways from the people of Massachusetts in their social life, in their industries, in their church affiliations, in their traditions, and even in their laws. But a stroke of Parliament was making all Americans kin. The royal governor straightway dissolved the house, but the burgesses met in a tavern, organized as a political body, and directed the committee of correspondence to propose

to other assemblies that a general congress meet at once. The Massachusetts Assembly, at the request of New York, named the 1st of September as the time and Philadelphia as the place of meeting of a continental congress.

The term "continental" was here used in a new and significant sense. At first, a congress was a meeting of delegates in a single colony. A congress of this kind was, in fact, an extraordinary political gathering, wholly distinct from the legislatures. During the French wars, delegates from several colonies met to consult common interests. These congresses usually represented the northern colonies, as the New York and Albany congresses. The Stamp Act led to another congress, but with a wider range of delegates, as some of the southern colonies were represented. Virginia and Massachusetts now had proposed a "continental," that is as we would say a national, congress, in which every colony would be represented.

The word "colonial" was passing out, "continental" was coming in; but "national" was not yet thought of. The first Continental Congress met in Carpenters' Hall, Philadelphia, and was in session seven weeks (September 5-October 26). From twelve colonies came fifty-five men, the chosen leaders of the people. Georgia failed to come, though not because of lack of sympathy or patriotism. For the first time the people of the "continent," the incipient nation, had met in council. Looking back over the years, we see plainly that this Congress was no accident. Events had long been leading to it.

It was no mere revolutionary body. Its work was deliberate, loyal, and permanent. Its main purpose was to set forth all the facts. Following colonial custom, it issued "addresses" to the parties interested. The Address to the People of the Colonies reviewed recent events, and urged union, co-operation, and moderation, but advised a continuance in their present attitude of non-importation till their rights were recognized. The Address to the People of Canada, written in French, and probably by John Dickinson, was mainly a discussion of the evils of the Quebec Act, of the denial of an assembly to the Canadians, and of the attempt of England to establish a military instead of

a civil government in the province. The Address to the People of England, largely composed by John Jay, was an appeal to kindred over the sea for justice. If the rights of Englishmen in America were violated, what could Englishmen in England expect.

The Address to the King was a humble but profuse statement of loyalty, appealing to George III. not to listen to his evil counselors, but to hear the Americans in their own cause. All these addresses were written in a dignified style and in fitting language, and they remain among the most finished of American state papers. They have been the models of innumerable addresses in later times.

Like the Stamp Act Congress, the Continental Congress issued a declaration of rights; that is, a political platform. Its propositions seem trite to us now, but they were living issues in the eighteenth century. The Americans were entitled to life, liberty, and property. This idea is at the foundation of our institutions. The exclusive right of taxation was in the assemblies. This made the assemblies the nucleus of American government, and went to the heart of the pending controversy. The Congress, speaking for the continent, supported the claims already made by Virginia and Massachusetts that the Americans had the right to assemble and petition for the redress of grievances. This recognized the existence of a new power in the country, the political meeting, or convention, which was becoming common. Royal governors, acting for the king, had done all they could to prevent and disperse such meetings. The right to assemble and petition is so fundamental with us that it is guaranteed by the Constitution of the United States, and by every state constitution.

The Americans claimed only the rights of Englishmen as granted by the old charters. Now, in truth, the Americans had more rights than most Englishmen, because the charters empowered them to make their own laws and to lay their own taxes through their own assemblies. English kings gave the charters, and these were compacts or agreements of great solemnity which could not be broken or violated without changing the relation of the colonies to the crown. In conclusion, the Congress unanimously

resolved that king or Parliament had no right to tax the Americans; or, to dissolve their assemblies; or, to quarter troops upon them in times of peace without their consent; or, to try them without a jury; or, to transport them to England for trial; or, to close their ports; or, to do any of the late acts, considered so grievous by the colonies.

Yet this Congress did not hint at independence. It believed that all causes of dispute could be removed, and had great faith in its four addresses, and particularly in the petition to the king. The principal men of the country belonged to this Congress. They were now well acquainted with one another, and could henceforth act together in confidence. From one another they learned the resources of the country and the tone of public opinion. They were confident that the king would listen to reason, and that he would influence Parliament to respect colonial rights. Hopeful that all controversy would soon cease, and that before spring king and Parliament would act upon their petition and addresses, they adjourned, with a recommendation to the colonies to convene again in congress at Philadelphia on the 10th of May, 1775.

Before tracing the course of events which now quickly changed the history of America, let us take a glance at the people whose representatives had met in congress.

CHAPTER XII

COLONIAL DAYS

1763-1776

Down to the close of the French wars, in 1763, no name for the people of all colonies was in common use among them. The assemblies had sent troops and voted appropriations for the king's service in the wars, but each colony was independent of the others, and there was no union of resources, except as some British commander-in-chief brought together the military supplies from New England, Pennsylvania, Maryland, and Virginia. In the debates in Parliament the colonies came to be spoken of together as America, and their inhabitants as Americans. To the ministry the Americans were English people across the sea; but the ministry did not use the term American as the synonym of a united people. It was only a convenient political term, which recognized no peculiar rights. The people of the colonies at the time of the Stamp Act (1765) were mostly strangers to one another. The soldiers sent to the French wars were about the only travelers, and they knew more about the frontier than about any part of the country save their own community.

The pride with which an American now speaks of his own state is far less than that with which an American in 1765 spoke of his own colony. Patrick Henry was expressing quite a new idea when, during the discussion growing out of the Stamp Act, he declared that he was an American first and then a Virginian. Many years of industrial and political association were needed to develop the spirit of union and nationality implied in Henry's patriotic words. He had uttered a sentiment that was slowly working its way over the country. After the Stamp Act, the Americans first, and very slowly, began to realize that they were "a new nation, conceived in liberty

and dedicated to the proposition that all men are created equal."

Few events stand forth from the gloom of these early days in imperishable brightness. Each colony was a small and pale reflection of England, in speech, thought, and ideas. Preferment in politics was quite impossible, for the crown officers were few in number, and the highest in the colony, the governor, was sent from over the sea. The names rescued from oblivion, because they stand for colonies founded, as Pennsylvania, or cities, like New York, Trenton, Baltimore, Williamsburg, or Charleston, were scarcely more than names when first thus associated. The great personages were Englishmen, like Lord Chatham, better known in America as William Pitt. Even Franklin, whose portentous figure rises above that of any of his countrymen during the last half-century of the colonial era, did not emerge from the shadows of provincialism, and embody any such general interest among the colonists as many of them bestowed upon some contemporary fifth-rate Englishman who happened to be secretary of colonial affairs.

Men who live in a revolutionary time are usually blind to its real heroes, especially if they touch elbows with them in a common struggle. The mystery of office and power did not affect Franklin as it did the head of the British ministry; Franklin's American contemporaries were too near him to see him in his large proportions.

Of the explorers, the discoverers, the men of Spain and France who laid open the wilderness and beat down a pathway for after ages, the people of colonial America took no heed. They neither praised them in books nor honored them in brass or marble. The pioneer receives his first eulogy, not in the log house but in the salon. Parkman has restored New France and painted its heroes to the life; but such work as his can be done only a century or more after the heroic age has closed. The savages were too near our ancestors to figure as persons in a drama. Mephistopheles was known to the Puritans by a plainer name; the Hurons and the French were incarnations of the evil one to the anxious settlers along the English frontier.

But in every village there was a personage: in the New

England and the middle colonies, the minister or the justice of the peace, or the rich farmer or shipper; in the South, sometimes the rector of the parish, but commonly the great planter, called also the 'squire. These locally great people filled the eye of the masses and quite shut out the few whom we would now name as the truly great men of the times: Benjamin Franklin and Jonathan Edwards, the one famed in science, politics, and in business, the other in theology.

Scarcely a trace of the America of these years now remains; speech, dress, occupations, even the opportunities and ideas of life, have changed. More than this, the principles of government are now applied in a different manner. If one will make a list of the professions, the trades, the occupations, the industrial interests, that exist about him, it is quite safe to say that few of them had existence then; or if any of them existed, they were wholly unlike their counterparts to-day. Yet the Americans of the eighteenth century won their liberties, and ours, and laid the foundations of this great country with the meager resources and the imperfect instruments then at hand. Therefore, were we to enumerate all our resources, our inventions, our conveniences, we should have to conclude that our ancestors did very great things—indeed the greatest thing for us—without the steam-engine, the telegraph, the railroad, the steamboat, the repeating-rifle, the mower and reaper, the sewing-machine, and a thousand other devices which we think quite essential to life.

It is well known that in 1752 Benjamin Franklin flew a kite during a thunder-storm; that he tied a door-key to the string and let an end of the string into a common glass bottle. He thus made an electric battery. This simple though dangerous experiment, "that drew the lightning from the clouds," was the source of all the electrical appliances now in use. In a kite, a silken cord, a door-key, a glass bottle, and Dr. Franklin, we find the beginning of the electrical interests of to-day. In the farms, plantations, shops, meeting-houses and schools; in the flail, the wooden hoe, and the plow; in the leather and homespun clothes; in the plain food; in the flint-lock muskets, the rude wagons, and the ox-teams of 1776, and in the Americans,

we find the beginning of all our rights and privileges as a free people. Evidently we owe more to Dr. Franklin than to the kite; and more to our ancestors than to their flails and flint-locks.

After all, it was the people and their ideas in 1776 which laid the foundations of a great nation, whose government is "of the people, by the people, and for the people."

Climate, soil, and natural advantages, together with laws, customs, and occupations, divided the colonies into three groups: the southern, Georgia, the Carolinas, Virginia, and Maryland; the middle, Delaware, Pennsylvania, New Jersey, and New York; the northern, New England, Connecticut, Rhode Island, Massachusetts, and New Hampshire. A glance at a map will show that each region has well-defined natural boundaries. New England has a distinct system of rivers, and highlands shut it off from the middle colonies. These, in the eighteenth century, were settled chiefly along their great rivers, the Hudson, the Delaware, and the Susquehanna. The trade of the colonies was by water. That of New York, New Jersey, and Delaware centered at New York City and Philadelphia. A portion of the inland trade of Pennsylvania went to Baltimore. With the exception of this trade, all the commerce of the southern colonies was carried over southern rivers. Thus each group of colonies had its own highways.

The colonies in closest relation were those that used a river in common. The Savannah, the Potomac, the Susquehanna, the Delaware, and the Connecticut were natural bonds of union between the colonies along their banks. But the country was so vast, and the people so few, they seem like an infant nation lost in the wilderness.

From Georgia to New Hampshire the people were divided into various classes, which custom and law made almost unchangeable. The only division common to all the colonies was that of bond and free. Slavery existed in all. There were only seven hundred slaves in New Hampshire, but in Virginia there were two hundred and fifty thousand. In the Carolinas and Georgia, slaves comprised more than half the population. The whites were chiefly of English stock. There were Germans in Georgia

and Pennsylvania; French Huguenots in Maryland and New York; Scotch and Irish in North Carolina, Pennsylvania, and New Hampshire; Dutch in New York and Pennsylvania, and a few Italians and Portuguese in Baltimore, Philadelphia, and New York City. Indians were a common sight in all the western settlements.

The exact number of the people is unknown. In 1776 it was about two million four hundred and thirty thousand, of whom more than eight hundred and thirty thousand were slaves. Among the whites were those "bound to service for a term of years," who were not apprentices learning a trade, nor girls "bound out" to domestic service, but persons who had been convicted of some crime in England and transported to America, and their labor sold there for a term of years. Such convicts were found in all the colonies, but they were more numerous in the middle and southern. In Maryland they were sometimes chained and set to work on the highways. Sometimes the planters employed them to build houses. After serving their term, they usually continued to live in the colony, but it took a long time for them and their descendants to outlive the memory of their misfortunes.

Another class was the redemptioners—persons too poor to pay their passage-money to America, who signed a contract with a shipping master to pay it on arrival. This meant that they empowered him to get his pay by selling their labor for a term of years. A common notice in the newspaper was the announcement of the arrival of a packet and the public or private sale of a "serving-man" or "serving-woman." In Philadelphia and Baltimore a lively business went on in this purchase and sale of redemptioners. Not infrequently these were better educated than those who bought them, and they were employed to teach school or to keep books. For a time most of the schools in Maryland were conducted by convicts or redemptioners. The changes wrought by the Revolution put an end to the transportation of convicts and the traffic in "redemptioners" and "indentured servants."

Nearly all the work in the South was done by slaves. The great planters composed the ruling class. They held

or controlled all the offices, except that of governor. He was sent out from England. They were the aristocracy of the colony, and except in South Carolina, usually lived on their plantations the year round. These commonly had a river-front where rice, tobacco, bacon, wheat, and other produce was shipped—usually in New England boats—directly to the planter's agent in London. He in return sent back crockery, cloth, nails, tools, medicines, furniture, silks, saddles, books, and a long list of other articles. Tools and implements were repaired, but seldom made, on the plantation.

There were few industries of importance other than agricultural in the South, and for this the trade laws were largely at fault. Twenty-five thousand tons of pig iron and five hundred of wrought iron were produced in Maryland in 1774, but not a nail or a knife-blade or a shovel could be made there. The iron must be sent to England to be manufactured. Charleston was the chief southern city, and had about fifteen thousand people in 1775. Its beautiful harbor was crowded with ships, some of which were built there. It was the home of the great planters, and its society was refined and exclusive. Next to the planters ranked the merchants and lawyers. As the land usually descended to the eldest son, the younger sons became lawyers, clergymen, and colonial officials, rarely merchants, and never mechanics or small traders.

Most of the people in the middle colonies were farmers, nearly all of whom lived and worked on their farms. Labor was diversified. Philadelphia was the center of trade, politics, and social life. In the Schuylkill Valley were many small foundries, colloquially called forges, where pig iron was made. One of these, Valley Forge, was destined to be the scene of much suffering during the Revolutionary War. Paper was made in a few places, as at Germantown, but the English government did its best to prevent mechanical industries. Flour was an important export from Pennsylvania, and found a market in every southern colony. New York City had already become a great trade center. New Jersey divided its trade between New York and Philadelphia. The Pennsylvania farmers were chiefly of two

nationalities, German and English, who had little in common. The Germans clung to their own language, customs, and ways, and the two communities widely differed in their views of public affairs. The laws were printed in German and English; Germantown was a center of learning. Books, pamphlets, and newspapers issued from the German press. Undoubtedly the Pennsylvania Germans and the Friends, who composed a large part of the English population, were the best farmers in America.

The people of New England were also chiefly engaged in farming. The soil is naturally less fertile than that farther south, and for this reason the New England farmer supplemented his farming with various other occupations. He became a ship-carpenter and found employment in the shipyards. He became a sailor, or the owner of a schooner, a style of boat that originated in New England. He caught fish in great quantities off the Grand Banks; he went whaling in distant seas. His boat became a common carrier for the tobacco and rice planters of the South, the sugar planters of the West Indies, the merchants of London. He did not hesitate to go the world over for a cargo. Nearly all the carrying trade of the colonies was in New England bottoms. New England abounded in mechanics of every trade. As in Pennsylvania, New York, and Maryland, so in New England, the wealthiest men were merchants. Newburyport, Salem, Marblehead, Boston, New Bedford, New Haven, New London, were flourishing merchant towns; and had it not been for the trade laws, manufactures would have flourished all over New England.

In New England the mass of people lived very plainly. Tea and sugar were luxuries. As one went southward, the table increased in importance, in the variety of its food, in the quality of the dishes, and in the style of domestic service. The great merchants, the ship owners, in New England and the middle colonies usually lived in handsome style. Their houses were fine mansions, well furnished with the conveniences and with many of the luxuries of European life. They had many domestics, and were the leaders in the social world. In the South, even greater luxury was seen in the homes of the great planters. Their family plate, their cut

glass, their napery, their wines, were not excelled elsewhere in the country.

The small planters lived in a plainer way. Unlike the houses of their wealthier neighbors, theirs were not furnished in mahogany, the walls were not covered with embossed leather specially imported; and their furniture was less cunningly carved. But the rich merchants and farmers of the North and the planters of the South formed only a small part of the American people. Charles Carroll, of Carrollton, Maryland; George Washington, of Virginia, and John Hancock, of Massachusetts, were the wealthiest men in America. Carroll and Washington were rich in land; Hancock, in shipping. Neither of these was worth much above half a million dollars. Most of the free population of the country were in comfortable circumstances. As a people, the Americans were used to better and more abundant food, were better housed and more comfortably clothed, than the people of any other country at that time.

About seventy miles from the sea westward lay the frontier. Here were the "back districts," where rents and taxes could not be collected; a lawless region, quite beyond the control of the colonial governments. The frontier was not friendly to the older settlements. This was specially true in Georgia, North Carolina, and Pennsylvania. Hunters, fur-traders, fugitives from justice, Indians, and a body of hardy pioneers made life along the frontier a curious mixture of civilization and savagery. But the frontier was quick to respond to the sentiment of resistance to taxation by Parliament. Life on the edge of the settlements was too free to tolerate even slight limitations. Nowhere in America were "the rights of the colonies" more eagerly asserted and upheld than by the restless population on the border.

For more than a hundred years, New England had supported and profited by the free public schools. No native New Englander was illiterate, except the solitary hunter whose life had been spent in the woods of Maine or Canada. Every town had a grammar school, and Harvard, Yale, and Brown made it unnecessary for New England parents to educate their sons abroad. The intelligence of the New

England people as a class was superior to that of the people of England, France, or Germany. "Wisdom is the principal thing," "Get understanding," were New England ideals. The assemblies freely voted appropriations for the schools, and public and private generosity remembered the colleges. The effects were evident throughout New England life. The people were fond of argument and analysis. They discussed the most difficult questions in politics and religion without hesitation. Every home was a little parliament. The Stamp Act and all the "intolerable acts" of Parliament were sure to meet as exhaustive a discussion in every New England town as in Parliament itself.

In the middle and southern colonies there were no free public schools, and private schools gradually diminished in number as one went southward from New York City. The wealthy patronized them, and also employed tutors for their sons. King's College (now Columbia University), Princeton, and the University of Pennsylvania were liberally patronized, but only by the wealthy. To-day, when schools abound, it is difficult to believe the extent of illiteracy in America at the close of the colonial era. The illiterate area closely coincided with the slave area. Where slaves were most numerous, illiteracy most abounded. This was not due wholly to the entire exclusion of the slaves from the means of learning to read and write, but in the middle, and particularly in the southern, colonies, to the absence of school privileges for the poorer whites.

While all over the country the poor had the gospel preached to them, they had no free school privileges outside of New England, New York, and some parts of Pennsylvania. Among the wealthy families of the South were graduates of William and Mary, of Princeton, Pennsylvania, Oxford, and Cambridge, and many more who had acquired a liberal education in lawyers' offices. These favored men became the leaders when the great struggle came.

Virginia at this time contained an extraordinary group of men, whose public services rank them with the great of any age or country. George Washington, Thomas Jefferson, John Marshall, Patrick Henry, George Mason, James Madison, George Wythe, Richard Henry Lee, were of the

same generation; devoted themselves to one great cause, and to the end of their lives retained the confidence of the people.

The assemblies represented the people, but who were the voters? To-day we have manhood suffrage; in 1765 it was unknown. To-day, one person in five is a voter; then it was one in thirty. The members of assembly were chosen by white men, twenty-one years of age or more, who owned land, and at the same time professed their belief in a religious creed. The amount of land required varied in the different colonies, but was not less than fifty acres in any. The religious qualifications also varied, but were alike in permitting only Protestants to vote. Out of a total population of a little more than two and a half millions, only about eighty thousand were qualified to vote, or about one thirtieth of all the people in the country. This does not seem to us much of a "popular government." So great have been the changes since 1776, an equal population to-day would have nearly half a million voters. In New England and the middle colonies the vote was by ballot; in the southern colonies, *viva voce*.

Colonial taxation by Parliament was not opposed by all Americans. Many approved of the five "intolerable acts," and thought that the Stamp Act Congress and the Continental Congress were meetings of rebels. Among those who thought so were many people of wealth, who believed that in case of trouble with England the colonies were bound to be losers. Therefore they shouted for king and Parliament, and voted against men who, if elected to the assembly, were likely to oppose the ministry. Thus the eighty thousand voters were not all on the side of the assemblies. The number of voters who were loyalists, as the king's friends called themselves, is unknown. But this number, together with the number of qualified voters who on account of age, sickness, or indifference did not vote, cuts down to a small figure the number of voters that supported the patriot cause.

There is reason to believe that less than fifty thousand votes were cast in the aggregate at any time, from 1765 to 1775, for assembly delegates who would support a policy of opposition to king and Parliament. It must be remem-

bered, too, that the first Continental Congress did not hint at separation from Great Britain. The delegates chosen to the assemblies all over the country, from 1765 to 1775, were expected to do no more than defend "the ancient and undoubted rights" of the people of the colonies.

The voters were a few thousand; the leaders a few score. In New England were James Otis, Samuel and John Adams, Joseph Warren, and John Hancock, all of Massachusetts; Stephen Hopkins and Roger Sherman, of Connecticut; John Langdon, of New Hampshire. In the middle colonies, they were Benjamin Franklin, Robert Morris, Thomas Mifflin, John Dickinson, all of Pennsylvania; John Witherspoon, William Paterson, of New Jersey, and George Reed, of Delaware. In the southern colonies, they were Charles Carroll, Samuel Chase, and William Paca, of Maryland; the eminent men already named in Virginia; John Rutledge, of North Carolina, and Charles Pinckney, Charles C. Pinckney, and Christopher Gadsden, of South Carolina. There were others who later became leaders, but these were the chiefs of the opposition when the Stamp Act passed.

As the struggle went on, the leaders worked out a political organization which rapidly unified public sentiment. The devices selected were:

Committees of correspondence in every colony, to keep all the assemblies thoroughly informed. The leaders usually belonged to these committees. They drew most of the declarations, resolutions, and addresses passed by the assemblies.

Committees of public safety, to see that the acts of Congress were carried out. Their authority rested on the voluntary support of the public.

The Sons of Liberty, or political clubs, to agitate the questions of the day, to hold public meetings, and to enlist the support of the young men of the country.

The convention, which, in colonies whose assemblies were loyal, should take their place by popular election and conduct the government.

The Congress, the culmination of all the former devices, because it was the result of them all, to act as the grand committee of the whole country.

Pamphleteers and political writers were selected with great skill, to present the American cause in a popular way. The most celebrated of this class was Thomas Paine, whose "Common Sense," in 1776, was widely read, and exercised an unprecedented influence. It was a powerful appeal for political and industrial independence.

Until 1640 no book in English was printed in America. John Smith's "True Relation of such Occurrences and Accidents of Note as hath Happened in Virginia" was published in London, in 1608, the first book about America written by an Englishman, and a classic in its way. Two years later, William Strachey published "A True Repertory of the Wrack and Redemption of Sir Thomas Gates, Knight, upon and from the Islands of the Bermudas, his coming to Virginia and the Estate of that Colony then and after under the Government of the Lord De La Ware," a story of strange adventures which probably suggested to Shakespeare "The Tempest," the last play he wrote. Other books about America appeared in London from this time on.

In 1649, Thomas Welde of Roxbury, Richard Mather of Dorchester, and John Eliot, the "Apostle to the Indians" and the translator of the Bible into the Algonquin tongue (1663), printed at Cambridge, Massachusetts, the "Bay Psalm Book," which bore the title, "The Psalms in Meter, Faithfully Translated, for the Use, Edification, and Comfort of the Saints, in Public and Private, especially in New England." It was revised by President Dunster, of Harvard, passed through twenty-three American editions, and was long used among the dissenting churches in England and Scotland.

During the seventeenth century, and after 1640, at least two hundred books were printed in America, mostly in English, though a few in Latin, and the greater number were of a religious character, and were printed in New England.

Daniel Denton's "Brief Description of New York," 1670, was the first printed English book giving an account of New York City; Mrs. Anne Bradstreet published a compilation of poems in 1678, the first book of its kind from

an American press; the *Laws of Virginia*, 1681, was the first book printed in that colony, and Samuel Atkins, in 1785, issued from the press of William Bradford, in Philadelphia, the *Pennsylvania Calendar*, or, "American's Messenger," probably the first book that came from that celebrated printer.

In 1690, on the 25th of September, Samuel Sewall, of Boston, published "Public Occurrences," which has been called the first American newspaper. In 1696, Increase Mather, of Boston, published "A Discourse Concerning the Holy Angels," which contained a portrait, said to be the first engraved in our country. In 1700 appeared the first American pamphlet against African slavery, written by Samuel Sewall, and entitled "The Selling of Joseph." It consists of only three pages. "Public Occurrences" was not successful as a newspaper. It was not until April 24, 1704, that the first paper was issued, entitled "The Boston News Letter," and it continued to appear till 1776.

"Mother Goose," a book which has passed into so many editions that the number is unknown, appeared in Boston in 1719, and is said to have been written by Elizabeth Vergoose. Many German books of great artistic beauty as examples of the printer's art were issued from the press at Germantown, near Philadelphia. In 1758, Thomas Godfrey wrote "The Prince of Parthia," said to be the first play by an American author that was put on the stage.

The period from the close of the French wars to the outburst of the Revolution marks the beginning of American political literature. Never were a brief dozen years more surcharged with unrest, bold thinking, and aspiration. From the disturbed mind of that time there poured forth innumerable pieces of writing which in the aggregate constitute a literary unit, but severally they seem no more than dull or racy political pamphlets, pasquinades, and doggerel verse.

The new drift in political thought directed the spirit of these pieces. James Otis and John Adams, as early as 1764, were dipping their pens in republican ink and essaying to describe sound constitutional grounds for American ideas. Oxenbridge Thacher, in a more conciliatory spirit, labored to prove that all Americans were Englishmen, but

not until the day of the Stamp Act did the American mind begin to glow in opposition to the policy of the home government and to deliver itself in threatening speech. Stephen Hopkins boldly stated the rights of the colonies, and Otis nibbed his pen and re-entered the field with vindications of the colonies and replies and rejoinders to their criticsers. The Stamp Act may be said to have gone to the head of the American pamphleteers, of whom the foremost was John Adams. Daniel Dulany, a Maryland lawyer, wrote earnestly for peace, urging a policy that would make parliamentary taxation unprofitable; but he lost the confidence of both patriots and tories. John Dickinson defended nullification, in masterful prose, in 1766, as the right of the Americans. The gifted Jonathan Mahew, a minister of Boston, cut off by death prematurely in 1766, had preached individualism and liberty not in vain, and left many political tracts to stir the patriotism of his countrymen.

The tea episode produced endless verses and political squibs in rhyme, of which the most humorous was an anonymous chronicle, after the style of the Book of the Kings. Every new grievance precipitated a new shower of political pamphlets, as the Boston Port Bill called forth Josiah Quincy's "Observations" and James Wilson's "Considerations on the Nature and Extent of the Legislative Authority of the British Parliament." Satire uttered her voice in public places, and inspired the pen of Francis Hopkinson, Philip Freneau, and Jonathan Trumbull. The satirical masterpiece of the times was Trumbull's "McFingal," which knows but one rival in later times—Lowell's "Fable for Critics."

Of prose and verse on other than political themes there was little, but this made a beginning. Trumbull's now forgotten poems and essays comprise the principal evidence of this literary activity. The loyalists found able defenders among the pamphleteers; in Samuel Seabury's "Massachusettsensis," printed in 1775, and in Joseph Gallaway's "Candid Examination" of English and American claims, of the same year. To Seabury, a vigorous and popular reply was made by an undergraduate at King's College, Alexander Hamilton, the beginning of his literary services to the

Republic, and John Adams wrote his powerful essays, "Novanglus," in reply to Leonard.

The unique pamphleteer and political writer of the times was an Englishman, Thomas Paine, who arrived in the country late in 1774, bearing a letter from Franklin. His coming equaled that of an army with banners. He arrived at a critical moment in our history, and quickly seizing the meaning of the crisis, unfolded it in an epoch-making pamphlet, "Common Sense," which appeared in January, 1776, and proved to be the herald of American independence. Edition followed edition throughout the English-speaking world. All other pamphleteers and political speakers had gained only a local hearing; Paine took the American people by storm. The enormous effect of his pamphlet was American independence.

The next step, however fatal or auspicious, was easy—to formulate current and accepted ideas of independence. This Jefferson did in the immortal Declaration in June following. This was our first and our best state paper, raising the standard of our political and ethical ideas, and indeed of those of the whole world. As a merely literary piece, it must be ranked high; as a political manifesto, it is a masterpiece. It was the culmination of the political writings of the time, and has been assigned by posterity to an eminence which no other state paper or political manifesto has reached. It may fittingly be accepted as the exposition of the spirit which pervaded the Revolution.

Better known among the plain people than any writing on politics or theology produced during the eighteenth century was the almanac, that ephemeral record of the seasons. Most famed of almanacs was Franklin's, long familiar to the world as Poor Richard's, instituted in 1733, and published for twenty-five years. There were others, scarcely less popular—the New England, the Columbian, Saunders's, Father Abraham's, the Freeman's, and the Farmers'—all imitators of Poor Richard. The almanac was often converted into a family diary, as "An Astronomical Diary; or, An Almanack for the Year of our Lord Jesus Christ 1745, compiled by Nathanael Ames and printed in Boston," which belonged to one Hemenway, and which,

interleaved, contains an ample account of the affairs of a prosperous family, including the settlement of the father's estate.

In poor Richard's Almanac for 1758, Franklin inserted what has become the best known piece of American literature, "The Way to Wealth," known also as "La Science du Bon homme Richard," a skillful résumé of all the wise things Poor Richard had been saying for a quarter of a century. Mr. Paul Leicester Ford tells us that "seventy editions of it have been printed in English, fifty-six in French, eleven in German, and nine in Italian. It has been translated into Spanish, Danish, Swedish, Welsh, Polish, Gaelic, Russian, Bohemian, Dutch, Catalan, Chinese, modern Greek, and phonetic writing. It has been printed at least four hundred times, and is to-day as popular as ever." No man who would win wealth can afford to neglect the way Poor Richard points out.

Trade, commerce, and much of the traveling of the time were by water. In the South, public conveyances were quite unknown. The roads were mere bridle-paths, except near the towns. Southern inns were infrequent and bad, and chiefly because there was little excuse for their existence. The planters showered a generous hospitality on travelers. A stranger might have traveled through the South and been a welcome guest at any mansion. From Philadelphia it was possible to get a letter on to New York three times a week, and twice a week from New York to Boston. From Baltimore, the mail found its way once a month through Virginia and the Carolinas, and once a month the mail left New York for England, but it was often six weeks old before it reached its destination.

The swiftest travel was on horseback, and thirty miles a day was considered fast time. Twelve miles a day in a coach was good time. However, there was little occasion for traveling. The trade laws forbade all commerce between colonies, therefore "business trips" from colony to colony were unknown. As no one migrated from his native place, visits from relatives were infrequent. No one dreamed of traveling for pleasure. The rich planters of South Carolina went to Charleston for the winter, the great land-owners of the Hudson Valley had their town houses in New York

City, a few wealthy Friends in Philadelphia moved to their country houses, near by, in summer. But the mass of people stayed at home, seldom wrote or received letters, had no newspapers, had few books, and cared little for reading. It might seem that such a people would look with indifference upon parliamentary taxation. Why were they so easily roused?

At the bottom of all political unrest from 1765 to 1776 were the restrictions on labor, trade, and manufactures. For nearly a century the trade laws had been openly violated; but when a commission was prepared to go to Boston to enforce them, the days of unmolested smuggling were over. Some of the large fortunes in the country were the profits of smuggling. The Americans knew that they were prepared to manufacture many articles which they were compelled to purchase in England. With iron cropping out at their feet, they were forbidden to make even a horseshoe nail. No man could erect a woolen mill or a hat factory. He might make hats for his own use, but he must not compete with the English manufacturer or the English merchant.

This restriction prevented any great diversity of labor. Life had few kinds of opportunities. A man might take up wild land, but what market was there for his produce? Trade restrictions also fixed class distinctions. A young man could not reasonably hope to better the condition to which he was born. A few did, but it was after 1776. To us colonial life may seem picturesque, but we would find it a kind of solitary confinement. Yet the people who found themselves tied thus hands and feet were politically more free than most of the people of England.

So much has been said of "taxation without representation," one is almost tempted to believe that if the Americans had been allowed to send a few members to Parliament, England might have escaped the loss of her colonies. With the two countries so far apart that they had only one mail a month, and return news in ten or twelve weeks, representation was practically impossible. Were it not for the rapid transit of passengers and freight, and the more rapid communication of ideas, our Union of to-day would be impossible. The assemblies then were the American repre-

sentative bodies, because each consisted of delegates from a small community who were immediately acquainted with its wants. These could readily be made known. Yet satisfaction of many of these wants conflicted with English law, and especially the laws in restraint of trade. The political ideal of the Americans at this time was that of a colony whose laws should be made by an assembly chosen by the people. This seems simple until we come to analyze it, and then it proves to mean industrial as well as political independence. In 1765 the Americans had more political than industrial rights and privileges.

The Americans complained more of Parliament than of the royal governors or the proprietors. The civil organization was thoroughly established, life and property were safe, taxes were light. Connecticut and Rhode Island, which elected all their officials, were no more prosperous than Pennsylvania, which had a lord proprietor, or Virginia, which had a royal governor. Franklin went to the root of the matter when he told a member of the House of Commons that it was not the amount of the tax, but its principle, that the Americans considered. If there were no principle behind the expostulations and petitions of the assemblies, and the addresses and declarations of Congress, then the Americans were only law-breakers. The whole dispute turned on the interpretation of the principles of government.

The material instruments, the resources which the Americans had to aid them in the interpretation, seem now as simple as Franklin's kite and string, key and bottle. The American civil experiment derives its value from the people who tried it. In spite of much illiteracy; in spite of slavery, bad roads, and infrequent mails; in spite of unskilled labor in the arts, of homespun clothes; in spite of few cities, of clumsy tools, a scarcity of books and newspapers; in spite of plain living, wretched inns, and awkward chaises, of ox-teams and smuggling; in spite of a limited suffrage and rough frontiersmen, our ancestors from 1765 to 1776 managed to get to the bottom of the principles of representative government, and also to get fairly started in the way of applying them.

CHAPTER XIII

INDEPENDENCE DECLARED

1774-1776

The king, the Parliament, and the ministry were determined to punish Massachusetts, and particularly the people of Boston, for their open defiance. The port of Boston should be closed; grass should grow in its streets; the city should be brought to its senses. As for the troublesome assembly, it should never again be suffered to foment rebellion in America. The government of Massachusetts had been of too popular a character. Henceforth, the governor should be a military man sent over by the king, and should have soldiers from the British army to support him. There should be no assembly unless he ordered one to be elected. The judges should be paid by the king, not by the assembly. In fine, Massachusetts should be governed by a British soldier. Representative government should be abolished, and a military system should take its place. The colony should be treated as a conquered province. * These provisions were the substance of the Massachusetts Bill passed by Parliament in 1774, and its execution was at once attempted. General Thomas Gage was appointed military governor of the colony, and accompanied by several regiments of soldiers, he reached Boston in May, 1774.

He was astonished to find the people in arms. Obeying his instructions, he ordered the assembly to meet at Salem in October, but as he became better acquainted with the state of public feeling, he decided that an assembly would only make matters worse, and countermanded the order. His ships could command Boston on three sides. The land approach, Boston Neck, he fortified. To the Americans this looked like war. The assembly denied his right to dissolve it before it met, and under the lead of Samuel Adams, John Hancock, and other patriots, met at Salem, sent news

of the condition of affairs to the other colonies, and prepared to organize a government for the colony after the model of its charter of 1629. For nearly three years the government had been independent of the king. The assembly had organized committees, through whom the public business was conducted. The collectors paid the taxes to a treasurer named by the assembly, and Samuel Adams devised a "Committee of Correspondence" to keep other colonies informed.

General Gage found himself merely at the head of a few British regiments in Boston, instead of being military governor of "the Province of Massachusetts Bay." Of course the assembly would refuse to obey his orders. It went further. Having adjourned to Cambridge, it voted to collect powder and guns and to put the colony in position to defend itself. In June it ordered twelve thousand men to be enrolled and be ready for service at any minute. New Hampshire, Connecticut, and Rhode Island were asked to raise troops for the common cause. All this meant war. Gage saw that the people were determined to fight for their rights.

The supplies were collected at several places, among them at Concord, a town about twenty miles from Boston. Secretly, Gage prepared an expedition that should go by way of Lexington, where John Hancock and Samuel Adams were reported to be staying with a friend, should arrest them, and push on to Concord and destroy the powder, guns, and provisions. Shortly before midnight of April 18, 1775, the eight hundred regulars started. But Boston was full of patriots, and none of Gage's movements escaped them. Before the order to march was given, mounted messengers were stationed by the Americans at Charleston, waiting for the signal that the troops were in motion. Paul Revere caused lights to be hung from the Old North Church tower as a signal that the troops had started.

At once the messengers flew along the roads, rousing the people. Adams and Hancock were warned. On the messengers galloped, giving warning to all. At sunrise, the troops reached the village green at Lexington. Instead of surprising the town, they found the minute-men in arms.

They refused to disperse; the English fired, and sixteen men lay dead or wounded. Scarcely delaying, the king's troops hurried on to Concord, where they destroyed what supplies the Americans had not been able to conceal in places of safety, burned the court-house, and began their march back to Boston. But since midnight the minute-men had been gathering from all the country round. Seizing their flint-locks and powder-horns, they hurried on to find the "redcoats."

In fine order these were marching back to their barracks; but now from Concord bridge, from behind stone fences and the tall elm-trees, from the hay-stacks and the bushes, there poured a deluge of farmers' fire such as no British army had ever felt before. Every farmer was a marksman, with no bullets to waste. The stately march of the redcoats became a retreat, and the retreat turned into a flight, like Braddock's twenty years before. Their numbers were vanishing under the deadly fire, and they ran all the way to Lexington. Here reinforcements met them. Three hundred dead or dying soldiers were left behind, and fourteen hundred strong, they reached Boston just as the sun was setting. Close on their heels were the minute-men; and now it seemed as if the whole province was with them. Next morning, as the echoes of the British drum-beat reverberated over the bay, General Gage found himself and his army shut up in Boston. At Chelsea, at Charleston, at Cambridge, at Roxbury, and back at Lexington and Concord, the minute-men were gathering.

Boston was besieged; the war for American independence had opened. A hundred years after the stand of the patriots at Concord bridge, their fidelity and courage were commemorated, and the "Concord Hymn," written by Ralph Waldo Emerson, was sung. One of its verses tells the whole story:

"By the rude bridge that arched the flood,
Their flag to April's breeze unfurled;
Here the embattled farmers stood
And fired the shot heard round the world."

On the 10th of May, as had been agreed, the second Continental Congress met in Philadelphia. Nearly all the

members of the last Congress had been again chosen delegates, and all the colonies were represented. They thought, a year before, when they sent their humble petition to the king and their addresses to Parliament, to the English people, to Canada, and to the colonies, and a declaration of rights as a postscript, that they had satisfied every reasonable man that the English were wrong and the Americans right. But now winter and spring had passed, and the unexpected had happened: the king would not even receive their petition. Parliament would not retreat a single inch.

The people of England and the Canadians paid no attention to their address. Concord and Lexington had been fought. The British commander-in-chief and his troops were hardly safe in Boston. All New England was in arms. On the very day Congress met, the Green Mountain Boys, led by Ethan Allen, surprised and captured Fort Ticonderoga with all its military stores, and next day captured Crown Point. Thus, instead of gracious words from George III. and the repeal of the intolerable acts, Congress, a good deal to its surprise, and much to the regret of many of its members, found a civil war actually begun. It saw Massachusetts with an independent government, and New Hampshire, Rhode Island, and Connecticut quite ready to follow its example. Messages were arriving from the Massachusetts Assembly with fateful requests.

What would Congress do? Would it ignore the state of the country and again humbly petition the king, or would it take charge of affairs, assume leadership, and proceed to direct the public business? No questions could be graver than these. Yet Congress was a peculiar body. Its members were elected by the assemblies and not directly by the people. It was created by the assemblies. It had no laws or constitution to guide it. Whatever it did must be approved or disapproved in the end by the assemblies. But its members knew the assemblies and believed that they would support them. More than this, the course of affairs in Massachusetts and the tone of public opinion in other colonies confirmed Congress in the belief that the whole country would support its actions. Because of the power of this public sentiment, Congress decided to act as the

chief governing body in the country. The authority of this body of men was, therefore, chiefly due to four things: the character of the men who composed it, the circumstances under which they met, the direct support of the assemblies, and the confidence of the people.

After spending a month in careful investigation and discussion of public matters, Congress decided to assume the direction and control of them. It formally adopted the troops about Boston as the continental army, and chose one of its own members as commander-in-chief. The motion was made by John Adams of Massachusetts, and George Washington was unanimously elected. He had distinguished himself in the French war, but he was not chosen simply because of this or because of his high character, but also because he came from the most populous colony, and because he possessed the confidence of its leading men, and would thus bring powerful support to the common cause. He accepted the appointment on June 16th in a modest speech, and with his habitual promptness, was on the way to Boston five days later. He had ridden scarcely two hours from Philadelphia before he was met by great news.

General William Howe with more regiments had arrived in Boston the last of April, and had taken command. The first thing for him to do was to gain possession of all the approaches to the city and all controlling points. Behind Charlestown rose two small hills, known as Bunker Hill and Breed's Hill, the latter nearer the town, and the arm of the bay separating it from Boston. These hills commanded both towns and the bay. Howe prepared to take possession of them. Knowing his purpose, the Americans forestalled him by sending Colonel Prescott, with twelve hundred men, early on the night of June 16, to fortify Bunker Hill. He passed on and threw up earthworks on Breed's Hill, which was almost in musket range of the British ships.

Howe quickly detected the danger he was in from Prescott's position. In the morning, paying no attention to the cannon-balls whistling among them from the ships, the Americans completed their earthworks, and also built outer

intrenchments, southward from the hill, well to the water's edge. Promptly Howe prepared to drive out the patriots. Twenty-five hundred regulars were landed at the foot of the hill and ordered to take the works by storm. Up the steep and rocky hill they poured like a flame. "Wait till you see the whites of their eyes," was Prescott's order, "then fire." When they were within a rifle's length, out poured a volley. Scores of the British lay dead in windrows; but the greater part were in full flight down the hill. Their officers rallied them, put them into order with their swords, and charged again. Another deadly volley, another flight to the water's edge. Again they rallied; again they reached the intrenchments, but only a few shots were fired; the Americans had exhausted their ammunition. They clubbed their muskets and beat back the enemy; they hurled stones and fought hand to hand; but overpowered by numbers, exhausted by their digging all night and fighting all day, they began to retreat, and the British held the hill. But a thousand British soldiers lay dead. This was the news that met Washington. What though Howe had caused Charleston to be fired during the fight, and it had been destroyed; or that Prescott had been beaten back? The patriots had proved themselves good fighters. Washington was satisfied with this fact. The battle of Bunker Hill, as it was called, encouraged the Americans everywhere. Had there been powder and ball in plenty, they said, Howe's troops would never have reached the top of the hill. So Prescott's defeat was equal to a victory, after all.

Beneath a noble elm-tree which still stands at Cambridge, Washington took command of the continental army on July 3, 1775. He saw before him brave men, about fifteen thousand of the youth of New England, each with his flint-lock and powder-horn, and a few wearing the dress of militiamen. This motley company must be trained and equipped to fight the British regulars, "the first soldiers of Europe."

Making his headquarters in the noble mansion famed in after years as the home of Henry Wadsworth Longfellow, Washington spent nearly nine months, not only in drilling his army, but in co-operating with Congress in organizing

the military department, in collecting all kinds of supplies, and in keeping the British army, meanwhile, closely shut up in Boston.

Though Congress had adopted an army and appointed a commander-in-chief, and Bunker Hill had been fought, the majority of its members still hoped and looked for peace. Once more it prepared and in August sent forth a petition to the king, but he refused even to look at it. He proclaimed the Americans "rebels," and he issued orders for troops to put down the rebellion. Enough Englishmen did not volunteer, and he hired troops, about twenty thousand in all, from several German princes, of whom the Duke of Brunswick, Landgrave of Hesse-Cassel, supplied the greater part. When this news reached America, it put an end to all ideas of reconciliation. What could be expected of a king who would hire foreigners to fight his own subjects? The name "Hessian" became hateful to Americans; and as the king's conduct became known to them, independence began openly to be discussed.

The importance of Quebec during the French wars, the refusal of the Canadians to join with the other colonists, and the danger that Sir Guy Carleton, governor of Canada, might invade New York over the old route by Lake Champlain, led Congress to send two expeditions into Canada. General Richard Montgomery led one, by the way of the lake, and captured Montreal. Benedict Arnold, starting from Boston, made a forced march through the Maine wilderness, and after incredible hardships his men reached Quebec in the heart of winter, and were joined by Montgomery. On the night of December 31, they assaulted the city and forced an entrance. Montgomery was killed, Arnold was badly wounded, and the attack failed. The Americans were forced to retreat, and no more expeditions were made into Canada.

South of Boston lay Dorchester Heights. After due preparation, Washington, in March, boldly seized and fortified them, and had Boston at his mercy. Rather than repeat the costly experiment of Bunker Hill, Howe evacuated the city on March 17, 1776, and sailed with his army to Halifax. The people of New England had fought for

their rights successfully. Distinguished generals and troops sent to conquer them had been forced to flee. The four New England colonies were now independent of king and Parliament. But General Howe was not likely to remain long in Halifax. As Washington believed that New York would be the next point of attack, he moved his army to the Brooklyn Hills and intrenched there to defend the city.

Howe's flight removed all doubt in New England of the right and the success of independence. In the middle colonies, feeling was less intense. In the southern colonies, opinion was much divided. The Tories were strong, especially in New York, Pennsylvania, and North Carolina. But the king's policy had weakened them. Lord Dunmore, royal governor of Virginia, after failing to raise an insurrection of the slaves, was driven away, but before he sailed for England the fleet to which he had fled burned Norfolk. This revengeful act converted many Virginians into Americans. During May and June, the assemblies of New Hampshire, New Jersey, and Virginia declared that by the act of the king in proclaiming the Americans rebels, in closing their ports and hiring soldiers to fight them, the colonies were left without a government. As New Jersey expressed it, in its constitution adopted at Burlington in July, 1776, the king had violated the compact of government, and his authority was at an end. So the thirteen colonies declared that they were henceforth "free and independent states."

On the 15th of May, Congress came to a like conclusion, and in reply to requests for advice from some colonies, it advised all to form state governments for themselves. When the 1st of June came, everybody felt that the necessity for independence was no longer a matter for discussion. There only remained the question, When is the best time to declare it? On the 7th of June, Richard Henry Lee offered a memorable resolution in Congress, which was seconded by John Adams, "that these United Colonies are and of right ought to be free and independent states, that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved." Lee

had been instructed by the Virginia Assembly to make such a motion, and John Adams had been advocating independence for months. The resolution was favored by nearly every member, and carried July 2. A committee of five was elected to prepare a declaration. It consisted of Thomas Jefferson, Benjamin Franklin, John Adams, Roger Sherman, and Robert R. Livingstone. Two years before, Jefferson had written a paper declaring the rights of the colonies which had attracted much attention both in America and in England. He was known to be an accomplished political writer, and at the common request of the committee, of which he was chairman, he consented to write the draft. With slight change, it was adopted on the 4th of July.

The Declaration of Independence contained several ideas upon which no nation had ever before attempted to found a government; namely, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness, and that the people have the right to adopt any form of government they choose. On this foundation of new political truths the people of the United States founded their government.

Copies of the Declaration were sent to all the states. As it was made in Philadelphia, the people of that city were the first to know its contents. The bell in the State House tower rang out the glad news: "Proclaim liberty throughout the land unto all the inhabitants thereof." Everywhere the Declaration was received with demonstrations of joy. It was read to the continental army; it was engrossed on the minutes of the assemblies; it was made a part of state constitutions, and was published with the laws.

Congress had issued the Declaration; the people had indorsed it. Would they support it with their lives, their fortunes, and their sacred honor?

CHAPTER XIV

THE FOUNDING OF THE REPUBLIC

1776-1800

The organization of republican governments by the American people was a revolutionary act of the highest degree of boldness, which pronounced them traitors or patriots, as the fortune of war might determine. The transition from colonies to states and from integral parts of the United Kingdom to co-ordinated commonwealths of a new nation was effected in an orderly manner quite without parallel in history. This was due to the character of the people and the condition of Great Britain and the colonies at the time. The Anglo-Saxon possesses an unlimited capacity for order, which he has displayed to his own and the world's highest advantage at critical moments of history. In America, the transition from a monarchical to a republican form chiefly affected the executive power. The legislative had been elective almost from the beginnings of government in Virginia, indeed from that July day in 1619 when there assembled in the church at Jamestown the first popular assembly in America.

In the charter colonies, the governors had been elective also, and no greater grievance had found voice in America than the forfeiture of colonial charters and the consequent deprivation of the power of choosing the executive by popular election. In the proprietary colonies, the governor was an hereditary personage; in the royal colonies, he was an appointee of the crown. The consequence was the same: a continuous popular outcry against the executive and a perpetual struggle between him and the representatives of the people. This somewhat monotonous contention constitutes the greater part of colonial political history. Democracy had not yet gained sufficient strength to demand the popular election of judges, who were removed from the

turmoil of the colonial struggle by the terms of their office, which was for good behavior, and by the manner of their choice, which was by executive appointment. The transition from colony to state signified that the principle of representation should be applied henceforth to the executive, and as time proved, ultimately, to the judiciary. But the popular election of judges was not advocated in the eighteenth century and did not become "a political reform" until the nineteenth was wellnigh half gone.

The American Revolution consisted, in its civil changes, in the organization of a republican form of government in the place of a form partly republican and partly monarchical. Because the monarchical element was weak, the transition was easily made. In thinking of the civil transformation, one must not confuse incidents of war with changes in civil affairs. The colonists did not break with the past when they took up civil government in 1776. They did not disturb the existing republican foundation. They brought executive and administrative functions, as they understood them, into conformity with legislative, and thus established republican forms of government according to the political standards of the eighteenth century.

The civil experience of the colonies, since 1619, was the basis of the new structure. For a century and a half, laws had been passed by the assemblies, and most of them were in print. From time to time the assemblies had formulated resolutions and declarations embodying their understanding of the principles of government, which had become the common thought of the people. No assembly hesitated to express its official opinion of the conduct of imperial affairs.

As we approach the year of the Stamp Act, 1765, and pass through the following decade, the declarations of the assemblies become a political commentary on the acts of Parliament, the conduct of the ministry, and the powers and prerogatives of the crown. For a dozen years prior to the actual clash of arms, the colonies had been in a dangerously critical mood. As we would now say, they had entered upon a course leading either to autonomy or to the pains and penalties of treason. As early as 1765, a convention of delegates, known as the Stamp Act Congress,

assembled in New York City, and issued a declaration of rights which pointed the way the Americans were going.* They owed allegiance to the British crown and all subordination to Parliament because they were liege subjects and entitled to all the inherent rights and liberties of native-born Englishmen; no taxes, therefore, could be imposed upon them save with their own consent, given personally, or by their representatives. Geographical position, as well as prevailing sentiment, forbade their representation in the House of Commons. Their only representatives were their delegates, elected to their own assemblies, and no taxes had ever been imposed or could be constitutionally imposed on them but by their own legislatures.

A people who would boldly put forth ideas like these were not far from political independence. They were already in possession of the foundation of republican forms of government. The successful assumption of these forms might be made at any time when provocation would make it appear that it was to their best interests to declare independence. But political revolutions rest on sound philosophy, otherwise discontent ends merely in rebellion. In attempting to measure the forces which contributed to the American Revolution, we must not overlook Montesquieu and Blackstone, Harrington, Sidney, Penn, and More; nor for a moment can we lose sight of that immeasurable influence embodied in the English Bible. The effect of the Bible in America was paramount in encouraging every man to think and act for himself, being responsible to God rather than to man. Undoubtedly, as the Bible was the book most generally read, it was the source of that spirit of liberty which possessed the land; it was the guide and counselor of the wayfaring man; its teachings inevitably bred democracy and independence.

Montesquieu's *Spirit of Laws*, published in Geneva in 1748, became at once a manual of politics, and in America the first book of government. It may be safely said that every man of eminence in public life in America during the last half of the eighteenth century was familiar with Montesquieu. His principles of government and the deductions

* Preston's Documents, 188-192.

which American statesmen drew from them became the "higher law" of the age. When Congress issued an appeal to the inhabitants of Quebec,* at the outset of the war, Montesquieu was cited as a higher authority than the British Constitution. King George and his advisers viewed this appeal to a "higher law" with contempt rather than alarm, just as a century afterward Calhoun and his followers viewed Seward's famous utterance on the admission of California.† But in revolutionary times there is always an appeal to a "higher law." In the opening years of the American Revolution, it was to "the principles of republican government," and "the rights of man"; in 1850, it was to "the spirit of the Constitution" and the "principles of our civil institutions"; ten years later, it was to preserve the Union. These historic terms signify that forms of government are subject to subtle correctives, and it is well for a country when those to whom its public business is intrusted are capable of detecting the signs of the times, and of adjusting the form of government to the wants of the state. Montesquieu, to the statesmen of the eighteenth century who gave form to our republican institutions, was a political philosopher and friend. He suggested political theories, possible civil courses, and probable economic consequences.

Twenty years after Montesquieu's *Spirit of Laws*, appeared Blackstone's *Commentaries*. They at once became the legal text-book of the English-speaking race. Blackstone's teachings were practical; Montesquieu's, theoretical; Blackstone was constructive and helpful to men upon whom the duty of organizing a government on a popular basis had come suddenly. It might seem that a writer so ultra-monarchical as Blackstone would be of slight service to revolutionary republicans; on the contrary, he aided them in putting their ideas into legal form. The first thing for a body of revolutionists to do is to secure a legal foundation for their acts. From a citadel of laws and constitutions they can issue forth armed with at least the appearance of authority, order, and justice. Blackstone taught the Americans how to act constitutionally. In his introduc-

* Journals of Congress, I, 58-65.

† Works of William H. Seward, I, 66, 74, 108, 130.

tion, which treats "Of the Nature of Laws in General," he discusses the "nature of society and civil government; and the natural inherent right that belongs to the sovereignty of a state, wherever that sovereignty be lodged, of making and enforcing laws." The only true and natural foundations of society, he continues, are the wants and fears of individuals. The sense of weakness and imperfection keeps mankind together, demonstrates the necessity of union, and "is the solid and natural foundation as well as the cement of civil society. And this is what we mean by the original contract of society, which, though perhaps in no instance it has been formally expressed at the first institution of a state, yet in nature and reason must always be understood and implied in the very act of associating together; namely, that the whole should protect all its parts, and that every part should pay obedience to the will of the whole; or in other words, that the community should guard the rights of each individual member, and that (in return for this protection) each individual should submit to the laws of the community; without which submission of all it was impossible that protection should be certainly extended to any."*

This, then, was the compact theory of government which our early statesmen found fully set forth by English authority, and most happily applicable to America. Early in 1774, the leaders of the revolution in Massachusetts accused the king of violating the compact of government by military intervention in the affairs of that province.† County conventions passed formal resolutions which set forth the violation, and these so-called "resolves" were vigorously circulated through the province and among other colonies. Otis and his associates wished to make out that the king was the aggressor, and thus put him in the wrong. To all except the loyalists, it seemed that the leaders had made out their case. Blackstone was a weaker authority for the compact theory than was the course of events in America. The Burlington convention, in framing a provisional constitution for New Jersey, in 1776, declared that as "all the

* Blackstone's Commentaries, I, 47.

† Journal of Each Provincial Congress of Massachusetts, 1774-75. Appendix, Proceedings of the Conventions of the People in the Counties.

constitutional authority ever possessed by the kings of Great Britain over these colonies, or their other dominions, was by compact, derived from the people and held of them, for the common interest of the whole society, allegiance and protection are, in the nature of things, reciprocal ties, each equally depending upon the other and liable to be dissolved by the other's being refused or withdrawn.' '* And as George III. had refused protection to the good people of these colonies, and by assenting to sundry acts of the British Parliament attempted to subject them to the absolute dominion of that body, and had also made war upon them, in the most cruel and unnatural manner, for no other excuse than that they had asserted their just rights, all civil authority under him was necessarily at an end, and a dissolution of government in each colony had consequently taken place. This is a tolerably clear statement of popular sovereignty. Its authors could not find authority for it in Blackstone; but once admitting that the compact of government had been broken, they and Blackstone could travel along together very comfortably.

The next step was to rebuild the state on the basis of a compact, and this the Burlington convention—and its work was typical of the work done elsewhere in the country—at once proceeded to do, and in so doing expressed the dominant political thought of America at the time. In the deplorable situation of the colonies, continued the New Jersey patriots, exposed as the people were to the fury of a cruel and relentless enemy, some form of government was absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people, and enable them to exert their whole force in their own necessary defense; and as the honorable, the Continental Congress, the supreme council of the American colonies, had advised the colonies to adopt for themselves, respectively, such government as would best conduce to their own happiness and safety, and the well-being of America in general, the representatives of the colony of New Jersey, having been elected by all the counties, in the freest manner, and in congress assembled, after mature deliberations, agreed

* New Jersey Constitution, 1776, Preamble.

upon a set of charter rights and the form of a constitution. Thus, from a legal point of view, the people were brought from "a state nature" into "civil society," under a "compact of government." However unphilosophical on analysis the compact theory of the state may appear, it has held its own in this country, and from the beginning lies at the basis of our civil institutions.

In summarizing the Revolution of 1776, it may be said that the king and Parliament of England broke the compact of government, and freed the colonists from allegiance. The Americans then organized new governments for themselves. This is the main defense of the Revolution, from an American view of constitutional law. At least it is a defense which has never broken down in America. Looking into the eighteenth-century constitutions framed by the states, it will be found that the compact theory is carefully defined in several, is implied in all, and later is applied, without a moment's interruption, in the legislation of the country. In entering upon a constitutional history of our country, it is necessary to understand that "the body-politic is formed by a voluntary association of individuals. It is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good."* This notion of government is readily understood for practical purposes, and permits an easy application in the administration of public business. Doubtless for these reasons it is retained.

The change from colonial to state governments was, as declared by New Jersey, partly at the suggestion of Congress, but it was hastened by military events and by a change in opinion within the colonies themselves. In May, 1775, Massachusetts asked Congress for advice in reorganizing its provincial government. The reply was, to organize civil affairs as they had been under their charter.† This was done, and the government thus instituted continued

* Massachusetts Constitution, 1780, Preamble.

† The Massachusetts charter of 1626 which provided for a representative democracy. By the charter of 1692, the executive was approved by the crown.

until supplanted by that under the constitution of 1780. Other colonies asked similar advice, and in November, 1775, Congress counseled all the colonies to form governments adapted to their condition.

New Hampshire was the first to act.* Delegates met at Exeter on the 21st of December and made the first constitution for the state. Calling themselves a congress, the members organized as a house of representatives and chose twelve persons members of an upper house. The delegates thus acted as a legislature. On the 10th of June, 1778, a second convention met at Concord, but its work was rejected by the people. A third met at Exeter, in June, 1781, and was in session two years and a half. The constitution it framed was formally approved by the people in town-meetings, and went into effect June 2, 1784. On November 1st, South Carolina met in provincial congress and drew up a state constitution. It continued in force till January 5, 1778, when the general assembly promulgated a new one, which continued till 1790. On the 3d of June of that year, a convention assembled at Columbia, and soon promulgated a new constitution, which, slightly amended in later years, was in force till 1865.

In Virginia, the Williamsburg convention assembled in April, 1776, and framed a constitution which was promulgated on the 29th of June. It continued in force till 1830. The Burlington convention, in New Jersey, acted also as a legislature, and promulgated a constitution on the 2d of July, 1776. It continued in force sixty-eight years. The people of Delaware elected delegates to a constitutional convention on the 19th of August, 1776. They met at Newcastle eight days later, and after a session of twenty-eight days, promulgated the first constitution of that state. It continued till 1792, when it was supplanted by a new constitution, which continued until 1831. The Pennsylvania convention met in Philadelphia on the 15th of July, 1776, and having completed a constitution, promulgated it on the 28th of September. It continued in force thirteen

* For the bibliography of the eighteenth-century state constitutional conventions, see my "Constitutional History of the American People," Vol. I, pp. 29-31. Also, notes to Chapter III.

years, and was succeeded by the constitution of 1789-90, which continued till 1838. North Carolina met in provincial congress at Halifax, November 12, 1776, and the delegates ratified a constitution on the 18th of December; amended in 1835 and 1854, it continued till 1863.

Georgia organized a temporary government in April, 1776. Delegates, elected in parishes and districts, from the 1st to the 10th of September of that year, assembled, chiefly for military purposes, but framed and promulgated a constitution February 5, 1777. Eleven years later its defects were remedied in part by a convention assembled at Augusta, November 24th. This body took also into consideration the question of ratifying the Constitution of the United States. It approved the national instrument unanimously, and drew up a state constitution, which was submitted to another convention, called to meet January 4, 1789. A third convention passed on this instrument, and having made some changes, ratified and promulgated it on the 6th of May. Nine years later, on the 30th of May, the third constitution of the state was promulgated by a convention, and continued until 1865.

In all the colonies there was more or less anti-revolutionary feeling, which was notably strong in New York, New Jersey, and Pennsylvania, and heard in protest in New Hampshire, North Carolina, and Georgia. This opposition retarded the formation of a state government in New York. The congress of that state, on the 31st day of May, 1776, made provision for the election of a succeeding one which should draw up a state constitution, but so precarious was the condition of public affairs that it was not until Sunday, the 20th of April, a year later, that a constitution, chiefly the work of John Jay, was adopted and promulgated, at Kingston. Amended in 1801, it continued in force till 1821, and became the foundation of the later constitutions of the commonwealth. Vermont was in an anomalous position. It was claimed by Massachusetts, New Hampshire, and New York. Meanwhile, it claimed to be independent, and its delegates assembled at Dorset July 24, 1776, at Westminster in the following January, and at Windham on the 2d of July, where, on the 8th, a consti-

tution was completed and promulgated. Frequently revised, it has continued in force to the present time.

The general assembly of Connecticut transformed colony to commonwealth by the act of October 10, 1776; Rhode Island had passed a similar act on the 4th of May. Massachusetts, the first to suggest a change from colony to state, was the last to settle on a form of government. The general court, as the colonial legislature was called, submitted a draft of a constitution to the people on the 4th of March, 1778, but it was rejected, chiefly because it had not been made by proper authority. A convention, especially chosen to form an organic law, assembled on the 1st of September, 1779. A constitution, chiefly the work of John Adams, was reported, was approved by the convention, and also by the electors, and was officially proclaimed on the 16th of May, 1780. Amended thirty-four times, it continues to be the supreme law of the commonwealth. As early as 1784, the people of Kentucky sought separation from Virginia, and twice assembled in convention, at Danville, to organize a state government. On the 2d of April, 1792, a fourth convention assembled there, and on the 19th adopted and promulgated a constitution. Seven years later, on the 22d of July, another convention met at Frankford, and having completed its work, promulgated a new constitution on the 7th of August, to take effect from the 1st of January, 1800. It was not supplanted by another for fifty years.

Nor were the people of Kentucky the only pioneers beyond the mountains who succeeded in building a new state before the century closed. Western North Carolina, called, variously, Washington County, the District of Washington, East Tennessee, Wautauga, and Frankland, or Franklin, had determined to assert its independence. As early as 1784, a provisional government was instituted, though no written constitution had been framed. In December of that year, at Jonesboro, a constitutional convention drew up a plan of government which was to be submitted to a second convention, at Greeneville, in November of the year following. It promulgated a constitution, and organized the state of Frankland, which continued five years. On the 11th of January, 1790, a convention assem-

bled at Knoxville, and on the 6th of February promulgated the constitution which continued in force till 1834. Vermont, Kentucky, and Tennessee were the new states of the eighteenth century. The first was admitted into the Union March 4, 1791; the second, June 1, 1792, and the third, June 1, 1796.

The swift change from colony to state was effected almost wholly by legislatures, acting as constitutional conventions. Delaware and Massachusetts called conventions specially to prepare constitutions. In all the states, save one, legislative and convention functions were confused, and the constitution was promulgated, instead of being formally ratified by the electors at the polls. Some of these eighteenth-century instruments were short-lived. New Hampshire had new constitutions in 1776, 1784, and 1792; Georgia, in 1777, 1789, and 1798; South Carolina, in 1776, 1778, and 1790; Vermont, in 1776, 1786, 1791, and 1793; Delaware, in 1776 and 1792; Pennsylvania, in 1776 and 1790; Kentucky, in 1792 and 1799. The states that adopted but one constitution during the eighteenth century were: New York, 1777; Massachusetts, 1780; New Jersey, Maryland, Virginia, and North Carolina, 1776; and Tennessee, in 1796. During the twenty-four years from 1776 to 1800, the sixteen states adopted twenty-six constitutions. To this mass of organic law must be added the two acts of national union—the Articles of Confederation of 1781 and the Constitution of 1789.

Whether a state constitution was made by a convention or by a legislature; was promulgated, or ratified by popular vote, gives but slight suggestion of its character. That it was made by a legislature might be due to the stress of the times; that it was promulgated might mean no more than the fact of public confidence in the body that made it. We must turn to the instruments themselves in order to ascertain the nature of the republican form of government thus set up. And first it will be well to agree upon the tests to which these constitutions shall be subjected. These tests may be of a kind particularly applicable to a revolutionary period, or of a general character, and such as may be applied at any time to a republican form of government.

Doubtless it will be most satisfactory to apply tests which we would now use in determining the character of a new constitution. We know almost nothing of what was said in any of the conventions that made state constitutions during the eighteenth century. We have the texts of the instruments, the names of those who co-operated in producing them, the laws and judicial decisions later based upon them, and the writings of many who assisted in framing them. The first convention to preserve and print its debates was that of Massachusetts, in 1820; the second, that of New York, in 1821, and the third, that of Virginia, in 1829. Madison's notes on the federal convention were not published till 1841.

About seventeen hundred men participated in the work of framing the eighteenth-century constitutions. Five became Presidents of the United States: Washington and Madison, who belonged to the federal convention; Jefferson, who was elected a delegate to the Virginia convention of 1776, and whose Declaration of Independence, formally prefixed to the constitution of New York, a year later, became in substance an integral part of each of the twenty-eight organic acts of the period; John Adams, who was a member of the Massachusetts convention of 1779, and wrote almost the entire text of the instrument it adopted, and Andrew Jackson, who was a member of the Tennessee convention of 1796. Tradition asserts that his motion gave the name to the state. Jay, Rutledge, and Ellsworth, afterward in turn chief justices of the United States, were distinguished delegates: Jay, to the New York convention of 1777, and he was the principal author of the constitution of that commonwealth; Rutledge and Ellsworth, to the federal convention. To this also belonged Elbridge Gerry, who became fourth Vice-President. Of the seventeen hundred delegates, upward of three hundred served in Congress, and nearly twice this number in the state legislatures. Seven became associate justices of the United States Supreme Court. Nine served as cabinet ministers, and a greater number as governors and as members of the state judiciary. Twenty-seven were signers of the Declaration of Independence; fourteen signed the Articles of

Confederation, and thirty-nine signed the Constitution of the United States. John Witherspoon, who signed the Declaration and the Articles, also signed the first constitution of New Jersey. Franklin and George Clymer signed the Declaration, the first constitution of Pennsylvania, and the Constitution of the United States.

Franklin was president of the Pennsylvania convention of 1776, and conspicuous in the authorship of the instrument it framed. George Read, who with Franklin had signed the Declaration and the national Constitution, signed the first constitution of Delaware as president of the convention. James Wilson, one of the signers, also signed the Constitution of the United States and the second constitution of Pennsylvania. Gouverneur Morris, prominent, with Jay, in the New York convention, later signed the Articles of Confederation and the Constitution of the United States. It is somewhat remarkable that no one delegate signed the Declaration, the Articles, the national Constitution, and a state constitution. Roger Sherman signed the first three; but Connecticut held no constitutional convention, else, doubtless, his name would have been found affixed to its work. Richard Henry Lee might have stood in this unique place had he accepted his election to the federal convention, for he had already signed the Declaration, the constitution of Virginia, and the Articles of Confederation.

But this does not exhaust the list of eminent names. Omitting, for the present, that galaxy whose political wisdom shines in the federal convention, let us pass in review some of the names found on the records of the state conventions. Among the members of the New Hampshire convention of 1776 were Matthew Thornton, one of the signers of the Declaration of Independence, three who were delegates in Congress, and Governor Meshech Weare. John Hurd is said to have written the constitution, and General John Sullivan to have made most important suggestions. No state assembly of the period surpassed the Williamsburg convention in its list of distinguished men. There sat Richard Henry Lee, Benjamin Harrison, Thomas Nelson, and Chancellor Wythe, signers of the Declaration which Jefferson, a fellow delegate, had recently written.

Lee and Harvie and Banister were to sign the Articles of Confederation. Patrick Henry, Edmund Randolph, John Blair, George Mason, Wythe, Lee, Nelson, and Madison were to be chosen delegates to the federal convention. Nineteen of the members served in the old Congress, and twenty-one were to sit in the congresses that should assemble under the Constitution. Lee and Henry Tazewell were to serve as United States Senators; Henry and Jefferson, and Nelson and Harrison, Randolph and James Wood, were to be chosen governors of the state. Jefferson and Madison were to serve, each two terms in the presidency, after having served as secretaries of state. Randolph was to be chosen by Washington the first Attorney-General, and Blair was to be appointed to the Supreme Court.

Of those who signed the New Jersey constitution, Witherspoon, John Hart, and Abraham Clark were signers, two days later, of the Declaration of Independence. Witherspoon was to sign the Articles of Confederation; Paterson, nine times governor of the state, was to sign the Constitution and be appointed by Washington, with Blair, an associate justice of the Supreme Court. Paterson, Dickenson, and Frelinghuysen were to become United States Senators. Eleven of the members were to become delegates to the old Congress and twelve to the new. Of the thirty members of the first Delaware convention, George Read was most eminent. With him Van Dyke, McKean, and Evans served in the old Congress, and Van Dyke, McKean, and Dickenson signed the Articles of Confederation. Read and Bassett signed the national Constitution, and later became United States Senators. McKean became chief justice of Pennsylvania. The men who gave first rank to Pennsylvania in the federal convention also belonged to its state conventions. Franklin and Clymer, Smith, Wilson, and Ross signed the Declaration of Independence; Franklin and Mifflin, Clymer and Wilson signed the national Constitution. Eight served in the old Congress and ten under the Constitution. Franklin and Mifflin served as governors. General Mifflin, James Wilson, and Thomas McKean were members of the state convention of 1789. Wilson's services in the federal convention were unsur-

passed, and posterity has discovered, within recent years, that he ranks with Jay and Marshall and Madison and Webster as a great constitutional lawyer.

The list of delegates to the North Carolina convention of 1776 includes William Hooper and Joseph Hewes, who had recently signed the Declaration of Independence, and Cornelius Harnett, who was to sign the Articles of Confederation. Six of the members had signed the famous Mecklenburg resolutions. Charles Robeson, John Carter, and John Haile were from Watauga, that new land beyond the mountains. Samuel Ashe became governor. Ten members served in the Congress of the Confederation, and sixteen were to serve in the national legislature. It is said that the constitution was the work of Richard Caswell, the president of the convention, assisted by Thomas Jones and Thomas Burke. Memucan Hunt lived to sign the treaty with Mexico in 1838.

The members of the New York convention of 1777 did not all attend at one time. It was a peripatetic body, not always out of sight of British troops. Philip Livingston and Lewis Morris had signed the Declaration; James Duane and William Duer were to sign the Articles, and Gouverneur Morris, who also signed the Articles, was, as a delegate from Pennsylvania, to sign the Constitution of the United States. Morris and John Sloss Hobart were to serve in the United States Senate. Sixteen of the delegates served in the old Congress. John Jay resigned the office of chief justice of the United States to become governor of New York. Duane and Hobart became United States district judges. Of the Vermont conventions, that at Dorset, in 1776, enrolled Ira Allen, the historian of the state; Thomas Chittenden, later governor, and Matthew Lyon,* whose vote, it has been said, made Jefferson President. Horatio Allen became a member of the national Congress. Moses Robinson became governor of the state.

The Massachusetts convention of 1779 included in its

*He is better known as the victim of the sedition law of 1798, under which he was convicted, fined and imprisoned. Twenty years after his death, Congress, on July 4, 1840, ordered the fine of \$1,060.90 to be repaid to his heirs, with interest.

membership John and Samuel Adams, John Hancock, and Robert Treat Paine, each of whom had signed the Declaration of Independence. Hancock, Samuel Adams, and Samuel Holten were to sign the Articles, and Nathaniel Gorham was to sign the Constitution of the United States. Hancock, Samuel Adams, Increase Sumner, James Sullivan, Caleb Strong, and Levi Lincoln became governors; Strong and Lincoln, each twice. William Cushing declined the office of chief justice of the United States, and Lincoln that of associate justice. Theophilus Parsons, perhaps best known as a legal writer, served for a short time as Attorney-General under John Adams.

Ten of the delegates served in the old Congress and twelve in the national; George Cabot, Benjamin Goodhue, and Caleb Strong became United States Senators. Strong was a member of the federal convention, but refused to sign the Constitution.

George Nicholas is said to have been the principal author of the Kentucky constitution of 1792.* Of his colleagues in the second convention at Danville, John Campbell and Matthew Walton also became members of Congress. Isaac Shelby became the first governor of the state. Robert Breckinridge was one of the most distinguished and useful members of the convention. The vote on the pro-slavery clause of the constitution stood twenty-six to sixteen, and among the opposing sixteen were six ministers of the gospel. The Frankford convention of 1799 included the president, A. S. Bullitt, John Adair, Richard Taylor, Thomas Clay, Samuel Taylor, William Steele, and Caleb Wallace, who were members of the convention of 1792. Three delegates became members of Congress. Adair, John Breckinridge, and Buckner Thurston became United States Senators. Henry Junes was appointed United States district judge. Breckinridge, foremost in the passage of

*The Virginia House of Delegates (resolutions, November 22, 1790) and the Senate (resolutions, December 8, 1790), instructed the Virginia Senators in Congress—William Grayson and Richard Henry Lee—to use their utmost efforts to carry into effect the resolutions of the first Kentucky convention, held at Danville, asking for separation from Virginia. The first effort began in 1784. Acts of Virginia Assembly, Richmond, 1790, p. 59.

the Kentucky resolutions, an intimate friend of Jefferson, became Attorney-General under him. Felix Grundy was elected chief justice of the state. Later, removing to Tennessee, he became a member of Congress, United States Senator, and Attorney-General under Van Buren, and died a member of the Senate. The Knoxville convention of 1796 chose William Blount its president. He had signed the Constitution of the United States as a delegate from North Carolina. John Adair served as governor. Eight members were elected to Congress, and William Cocke, Blount, Andrew Jackson, and Joseph Anderson became United States Senators. Among the delegates was W. C. C. Claiborne, whose history is later a part of that of Louisiana. It is said that the first Tennessee constitution was chiefly the work of Charles McClung.

The personnel of the conventions from 1776 to 1800 makes more clear the character of the work done. For whatever test be applied to that work, the men who did it must be considered as a most important element. It is evident that the membership includes the ablest statesmen of the time, and among them are Jefferson, Franklin, Madison, Jay, and Adams, who rank with the law-givers of the world. If the work of ancient law-makers seems greater, it may be because we know less about them. It must be remembered that the constitutional work of the eighteenth century in America was chiefly the work of committees. That the committee should turn its work over to Jay or Adams, or adopt the work of John Hurd, in New Hampshire; George Mason, in Virginia; Richard Caswell, in North Carolina; Thomas Young, in Vermont, or Charles McClung, in Tennessee, proves the weight of the constitutional opinions of these men.

While the constitutions were based on the civil policy of the colonies, there were notable instances of adaptation and copying from one state by another. The New England constitutions form a unit, of which that of Massachusetts may be taken as a type. But Vermont is a remarkable exception. The boundary dispute with adjoining states led the people to hold the constitutions of these states in disfavor. Thus Vermont, almost by accident, found a

model in Pennsylvania, and largely through the influence of Thomas Young, a citizen of Philadelphia, who had earnestly advocated the independence of the state in a pamphlet, advised calling a convention, and held up the constitution of Pennsylvania, of 1776, as a model. The Vermont conventions accepted the suggestions, and turning freely to Pennsylvania sources, worked out an instrument in many parts a transcript of the constitution of this distant state.* Pennsylvania and Delaware, long united under Penn, had much in common, and their constitutions followed the same concepts of the republican form. Maryland was politically apart from the other states, and its first constitution may be read with the unusual interest that it is the most complete written expression of a working government of the times. It is the longest of the constitutions of the period. It transcribes local government in its details as does no other fundamental law of the period.

Virginia, parent of states, was also parent of the constitutions. Those of Kentucky were its eldest-born. North Carolina, like the government of the Carolina colony, was unique, and like Virginia, was a parent of the west. Wau-tauga, Frankland,† or as we know it, Tennessee, copied from this original as they copied the laws enacted by its authority. South Carolina influenced Georgia and vied with it in the number of new constitutions during the century. Generally speaking, the democratic elements in these constitutions multiplied and strengthened as one went from Georgia northward. Comparisons are dangerous, if not odious, but it may be said that the constitutions of South Carolina and New Hampshire present the sharpest civil contrasts of this period.

It would be expected that a body of organic law drawn up by men of the character, attainments, and varied public services which distinguish the framers of these eighteenth-century constitutions would possess all those qualities which gave permanency and value to political undertakings.

*See The Constitution of the State of Vermont, Brattleborough, C. H. Davenport & Co, 1891, pp. 40-44.

†For the constitution of Frankland and a sketch of its history, see The American Historical Magazine for January, 1896, Nashville, Tenn.

Whatever imperfections might appear must be accepted as concessions to human nature. Republican government had a new birth in a new land, and was to be the great experiment of the age. The American constitutions were made in revolutionary times. They were adaptations, of theory and practice, to the conditions of a new nation. The men who made them possessed, in the aggregate, experience in every civil office in America—executive, legislative, judicial, and administrative. It is to be noted that the actual work of preparing this mass of organic law was done by a few men, we may say less than fifty, and probably, with safety, less than half that number. A few great names shine forth against a background of hundreds long since obscure or forgotten. The work in revolutionary times is usually done by a handful of men. The men whose names are identified with our early history were also foremost in services to their states. The constitutions and laws of the commonwealths, at that critical time when the transition from colonies was made, are evidence, often overlooked, of the services which our earlier statesmen rendered, and of the burden of gratitude which posterity owes them.

The twenty-six constitutions of the states consisted, in each instance, of two parts: a body of civil maxims, usually called the bill of rights, and a body of administrative provisions, classified as executive, legislative, and judicial. In the second part were inserted clauses of particular interest to the state; for instance, definitions of its boundaries, as in Vermont and Tennessee, or clauses, which, strictly, were like acts of a legislature. For from the first a constitution has been regarded as a most solemn and formal instrument, and its authors have often succeeded in embodying within it a piece of legislation, hoping in this way to make it perpetual. This proclivity has strengthened with the years, and our later constitutions have, in consequence, approached the length and character of legal codes. The civil maxims, or bill of rights, were a survival of centuries of experience in government in England and America. The Virginia bill, written by George Mason, may be taken as a type. The state was conceived as existing for the benefit of the individual. All its functions were to protect his

interests and advance his happiness. No constitution of the period intimates that the state has rights which the individual must respect.

The early instruments are thus in sharp contrast with those made a century later. In those of our day, the state is the public almoner, the friend of humanity, the protector of capital and labor. In these early constitutions, the primary doctrine is of natural rights. Public officials are the agents of the people. The right of revolution is inherent in society. In order to secure rights, the functions of government must be defined, and as the constitution of Massachusetts declared, so that one department shall not perform the duties of the other. Of course all this effort to divide civil affairs among responsible heads was but a process in democracy. It finds expression in the phrase of that day; securing "checks and balances" in government. It was a dominant idea of the time that the form of government could be so drawn up that the mechanical arrangement of terms, offices, elections, and grant of powers would save the individual and the state from injury.

It must not be forgotten that democracy trusts much to laws, and less to men. So Massachusetts declared that its government should be "one of laws and not of men." Clearly, an underlying principle at the outset of our political affairs was that familiar principle in agency that powers and privileges not specified are not granted, and are assumed by the agent at his peril. This was Hamilton's idea of the national Constitution, that it was in the nature of a bill of rights,* declaring what might be done. The doctrine of implied powers is not heard of when a constitution is in process of formation; it is a doctrine that comes into vigorous life when a political party essays to administer a government under a constitution. And after all, it is the administration of a constitution that determines its meaning. It must not be forgotten that the origin, growth, and composition of the organic law cut a very unimportant figure in the practical affairs of government and politics.

Expediency is the supreme law of the state, and whatever the majority will suffer a political party to do is con-

* Federalist, LXXXIV.

stitutional, and remains constitutional unless reversed by another majority. At the time of the formation of our early constitutions, political parties were not organized. Measures found favor or met with opposition, but not that favor or that opposition which is now identified with the well-drilled forces of a political party. The bills of rights in civil affairs were viewed like maxims in mathematics. Doubtless this explains the presence of the doctrines of the civil compact, of natural rights, of revolution, of the right to trial by jury, of freedom of speech and of the press, and of exemption from searches and seizures which are found in all the declarations.

But the doctrine of natural right was interpreted in a different manner than we might be led to expect. Church and state were united, in varying degree, as in Massachusetts, where the Congregational communion prevailed, and in South Carolina, where the Episcopal was made the state church by the constitution of 1776. Unitarians, Jews, and Roman Catholics, and members of the Society of Friends, were not suffered to enjoy the privileges granted to the religiously qualified. New York was most tolerant of private opinion.* It seems at first astonishing, that in a group of commonwealths, each of which laid its civil foundations on the rights of man, only one, Vermont, applied the doctrine to all men irrespective of race or color, and in its three constitutions, of 1777, 1786, and 1793, forbade slavery. This epoch-making provision was destined to become the precedent for clauses in the first constitution of Ohio, 1802, the first of Illinois, 1819, the second and third of New York, 1821, 1846, in the free state constitutions, and in the Thirteenth Amendment, a part of the supreme law of the land after 1865. I have said that the Virginia bill of rights was a type. There was also another type, the

* For an account of the action of the principal Lutheran and Calvinistic clergymen of Philadelphia, in 1776, to have a clause inserted in the Pennsylvania constitution of that year recognizing religious toleration, see letter of Rev. Henry Melchoir Muhlenburg, reprinted in the *Pennsylvania Magazine* for April, 1898, pp. 129-131. The petition is there given. It was incorporated in the forty-fifth section of the constitution. The petition was presented to the convention September 25, 1776; see its *Proceedings*, Harrisburg, 1825, p. 53.

Massachusetts bill, and these suggest that from the beginning of our commonwealth history there have been two contiguous zones of civil life, a northern and a southern. If any one will read the declaration of rights adopted by states west and south of Virginia, and of states west of Massachusetts, he will discover a law of American political institutions, that Virginia leads him to a greater Virginia, and Massachusetts to a greater New England and New York.

It is a characteristic of all written constitutions that have appeared among the Latin races, both in South America and on the continent,* to abound in definitions and administrative provisions. The first is due, doubtless, to the novelty of experiment; the second, to the familiarity of these races with administrative law. England and the American colonies had no administrative law, and it is still unknown to British and American jurisprudence. The early bills of rights were axiomatic statements of civil experience, but among them appear a few definitions, such as that of the civil compact, the right of revolution, and the nature of religion. But one looks in vain for a definition of sovereignty, though it was formally claimed by New Hampshire, in its constitution of 1784; by Massachusetts, in the constitution of 1780, and by Connecticut, in the act of assembly of 1776, by which the change from colony to state was authorized. No southern state in its constitution claimed sovereignty. But the notion of residuary sovereignty everywhere prevailed.

The claim of Vermont, Pennsylvania, Maryland, and North Carolina to the exclusive regulation of their internal police was later interpreted as proof of state sovereignty. Not until the national Constitution was in process of formation, and later was before the people for ratification, did the ambiguous doctrine of sovereignty provoke party differences. As an illustration of the effort of a convention to correct evils of long standing may be cited a clause in the Maryland bill of rights of 1776, forbidding judges to hold other offices during their terms of service and making them removable by the governor on recommendation of two-

*The New York constitutional convention of 1894 published a volume of "Foreign Constitutions," The Argus Company, Albany, printers.

thirds of each house. This evidently aimed to correct an abuse that had grown up in colonial times. So, too, the clauses in the bills of Maryland, 1776, Massachusetts, 1780, and New Hampshire, 1784, 1792, declaring that the stability of the commonwealth depends upon the independence of the judiciary, point to the same source of evil.

The times were remedial as well as corrective. Religious qualifications were made less harassing than in colonial days. The rigor of the common law was mitigated by providing in the bills of rights that the estates of suicides, traitors, and persons killed by accident should descend to the heirs at law, instead of becoming a forfeit to the king's successor, the state. Hereditary titles and emoluments and sinecures were forever forbidden. The leveling spirit had begun its work, and henceforth public dignities, honors, and offices should not exist solely for the benefit of the well-born. The shoemaker and the plowboy might now turn statesman, and to be father of a line of office-holders should rank a man with the son of a line of kings. The great fact now declared to the world was, opportunity for all men who were qualified to serve the state. Of course "qualified" meant according to the constitution, the laws, and the opinions of the voters. Delaware, in 1792, and Tennessee, in 1796, declared themselves suable at law, but Tennessee limited the right to its own citizens.

It is to be observed that these constitutional provisions were made, the one two years before, the other two years after the great decision,* in correction of which the Eleventh Amendment was added to the Constitution of the United States, leaving the question of suability of a state wholly with the state itself. A perusal of the bills of rights of the eighteenth century discloses the fundamental idea of individualism that runs through the organic laws of the states. It was the expression of the revolt from monarchy, and the swing of the pendulum measured a larger arc than at any period since. With individualism went the doctrines of natural rights, the social compact, and the right of revolution. Popular sovereignty, vaguely expressed, found a place in the list of political concepts. It was des-

*2 Dallas, 419 (1793), *Chisholm vs. Georgia*.

tined to an interpretation by political parties, but the Fathers do not seem to have made great account of it. Whatever may now be the opinion in which officials hold the declaration of rights in a constitution, the people of America in the eighteenth century may be said to have attached primary importance to the declarations of their time, as clearly appears in the struggle over the Alien and Sedition laws, the Virginia and Kentucky resolutions, and the Doctrines of 1798.

Passing from the declarations of rights to the second part of the instruments, it is clear, at once, that the legislature, as the agent of the people, held first place in their thought. The legislators were in two groups, a lower and an upper house, the one a check and balance to the other. The brief continuance of a unicameral system in Pennsylvania* and Georgia,† and its abandonment by Vermont‡ early in the nineteenth century, soon eliminated that system as an important factor in our history. No great importance is to be attached to variations in legislative titles, though the early constitutions in continuing colonial names of legislatures, appear, for a time, to recognize essential differences in this respect. The tests of legislative worth are organization, powers, limitations, qualifications for candidacy, terms, and successions. Of first importance is the basis of representation. Racially, this was exclusively white persons in Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Delaware, Virginia, South Carolina, Georgia, and Kentucky. In practice, it existed in North Carolina and Tennessee. Though rural population outnumbered urban more than thirty to one, a struggle began from the first between the two sets of interests, which has continued with increased vigor to this day. It

*The state of Pennsylvania had a legislature, consisting of the assembly and (for some purposes) a legislative body, the executive council, from 1776-1790. The defects of the one-chambered system are set forth by the Council of Censors. See Proceedings Relative to Calling the Conventions of 1776 and 1790, etc., Harrisburg, 1825.

†Georgia had a legislature of one house, 1777-1789.

‡Vermont, from 1776-1836. The reports of the Vermont Council of Censors during this period clearly bring out the functions of two houses and the failure of the unicameral system.

may be recorded, briefly, that the rural interest has always triumphed in the contests over determining the apportionment of representation in a state. In Massachusetts, New York, and Virginia there was a clear recognition of the double basis of persons and property. The lower house represented the persons, the upper house, the property in these states.

Thus it came about that the senate represented large and civilly equal districts; the house represented towns. So great a diversity appears in practice it cannot be said that the county was as yet a civil unit. This was chiefly due to the inequality among the counties. In older parts of the states, counties were much smaller, more populous, and richer than in the newer parts, and as migration had already begun westward, new counties were rapidly organized, and some of the older and more easterly ones divided. Gradually two units of apportionment were worked out: the town, or township, in the north; the county, in the south. But the basis was loose and left by the constitutions to the legislatures. These were usually limited in numbers, by a maximum and a minimum membership, a practice that has been continued to our time. But no legislature succeeded in solving the apportionment problem, and popular dissatisfaction with resolutions from time to time made accounts for the relatively large number of state constitutions during the last quarter of the eighteenth century. Judging by the letter of these instruments, the states seem to have been at first close corporations, for the qualifications to vote and to hold office cut down the number of possible candidates to a small part of the population.

Though a person of color may have voted in North Carolina prior to 1835, in New Jersey before 1806, in Tennessee before 1834, or in New Hampshire, Massachusetts, and Vermont, only white men held office. In this respect, considering the mighty changes in the suffrage made during the nineteenth century, America to-day, differs greatly from America a century ago. But to be of the white race was not enough. The candidate must be native-born, or an inhabitant when the constitution was adopted; he must have reached a prescribed age, have resided in the state,

town, or parish for a specified time; must possess real estate of a fixed value, clear of incumbrance, and in nine of the sixteen states he must profess belief in a religious creed. While this limitation of candidacy seems to us arbitrary and undemocratic, it must be remembered that every age sets tests and standards by which to measure human worth; and property and religious qualifications seemed, in the eighteenth century, the most convenient and satisfactory that could be established. The strangeness that these tests should be inserted in the constitutions disappears when we reflect that these at any time are only a transcription of current thought. However, there was opposition to the religious tests, and in Pennsylvania, where a mild religious qualification was exacted, Franklin succeeded in having it limited to members of assembly, who were few in number, and prevented its extension to the voters.* It will doubtless occur to the mind, that to-day there are districts in the United States in which a Roman Catholic, or a Jew, or a Unitarian, or an agnostic, not to say a Mohammedan or a Buddhist, could not be elected to office. Doubtless the explanation now will also apply to our ancestors over a century ago.

The qualifications for a member of the state senate were more exacting than those for a member of the house. He must be older, must possess more property, and in some states have maintained a longer residence.† The reason for this is to be found in the popular concept of the senate. It stood for property. The house stood for persons. Moreover, the senate was a sudden creation to meet a demand of a new political system. It was created as a sort of anchor to the house; a conservative body that should save the state from being stampeded by excitable young delegates who might, and probably would be, elected to the house. Tennessee, in 1796, began a new chapter of constitutional history by empowering either house to originate

* For an explanation of Franklin's disapproval of religious tests in a constitution, see his letter to Richard Price, October 9, 1780. Works (Bigelow's Ed.), VII, p. 140. Ford's, *The Many-Sided Franklin*.

† For the qualifications of representatives, senators, governors and electors, consult the constitutions, or the comparative tables in my *Constitutional History of the American People*, Vol. I, Chapter III.

a money bill, an innovation that ceased to excite apprehension at least fifty years ago. It was the entering wedge which threatens to split off the senate entirely from our civil system, and reduce our state legislature to one chamber, if it does not in fact prove ultimately an obliteration of the upper house. The change may, in substance, wipe out the traditional differences in their most important functions.

The manner of choosing senators was directly by the voters, except in Maryland and Kentucky, which instituted an electoral college, that of Maryland before, that of Kentucky after the adoption of the national Constitution. Undoubtedly, the House of Lords was in the minds of the framers when the state senates were planned. By requiring greater age, larger amounts of property, longer residence, and by fixing a longer term than was prescribed for members of the house, the framers sought to secure that stability which they associated with the English body. As a landed estate could not be established in America, they devised these substitutes, and seem calmly to have anticipated that a conserving power had thus been secured in the state. But before the century closed a revolt, led by Jefferson, against religious and property qualifications was on foot, and he lived to see most of these impediments to democracy swept away. It must be said, however, that the state senate was not an accidental discovery, nor an unreasonable device. The colonial councils, chiefly the creation of the colonial executives, prepared the way for it, and the necessity of providing "checks and balances" in legislation hastened the organization of a so evidently useful body. The legislature was given its grant of power in general terms, with slight if any suggestion of limitation in any direction. The only limits were expressed or implied in the bills of rights. That large body of provisions in a modern state constitution, forbidding special legislation, was not to be inserted in the organic laws until after the panic of 1837. By that time a half-century of experience had taught the people that their agents in the legislature could not be absolutely trusted "for wisdom and virtue," and that there are many things which law-makers should

not be permitted to do. The principal duty of the houses, as portrayed by the early instruments, is to tax, to pay salaries, to maintain an adequate police force in the state, and to adjourn. The industrial life which makes the state an indentured servant had not yet begun. The commonwealth was not yet conceived as primarily a source of profit to individuals or to private corporations. Its chief reason for existence was to enable the Americans to enjoy the rights of man. This simple, not to say primitive, notion of civil life and the purpose of government runs through the early constitutions, and doubtless goes far to explain the laudation of the days of the Fathers which is often heard.

It must be remembered that America was agricultural during the eighteenth century. Population was not yet great enough to tread on the heels of subsistence, and the costly and often burdensome habits of modern life were unknown. One searches in vain for provisions for popular education, for charitable and reformatory institutions, and for those merciful and costly establishments in which the unfortunate and the criminal classes are cared for. The state was not conceived to be a copartnership in private enterprise, or a social concern, or an employer, or a father of the house. It was an organization under contract to keep the peace so that every individual might enjoy "life, liberty, and the pursuit of happiness." There is no evidence that these words were any less vague in meaning than they are to-day. The important fact remains that the eighteenth-century state legislature was put in possession of a pretty free grant of authority. Annual elections of the representatives, and annual or biennial elections of the senators, it was supposed, would keep the state in order.

But the grant of executive power was a confession of distrust. Colonial governors had not won public confidence. They had strained at their official bonds, and at times had broken them. The state should not run the risk of executive usurpation. Short terms, limited authority, and inability for the governor to succeed himself, or to serve more than "two years in four," or "nine years in twelve," and the popular test by annual elections, such as prevailed in New England, were supposed to defend the

people from many abuses. Candidacy for the governorship was hedged about by longer residence and higher property qualifications than those prescribed for senators. The popular notion of a governor was as a military man. He commanded the army and navy of the state; he repelled invasions and suppressed insurrections. His civil duties were few. Every state constitution did not authorize him to veto a bill or pardon an offender. His appointments were chiefly military and judicial. His was to execute, not to make laws. All things considered, the eighteenth-century governor was a military figurehead, rather than a civil officer possessing great authority. He was second to the legislature in public estimation, and not, as in our day, the last hope of a suffering public against legislative waste and unwisdom. Provision was made for the succession in case of vacancy in the executive office. The lieutenant-governor, or the president of the senate, succeeded to the office, though a more cumbrous provision existed in some states. Testing the executive functions by present standards, it may be said the early governors were less important elements in the state then than now.

The courts followed the English judicial system closely, as it was adapted to the demand for local and state service. At the outset it must be confessed that the judiciary, though of the three departments of government the least changed by the Revolution, is the most difficult to reduce to system and to describe. Reforms were numerous, and chief of these was the gradual elimination of the legislature from its colonial place as a court of appeals. So various were the possible writs in colonial times, a case might go "from a justice of the peace to the General Sessions, thence to the Common Pleas, thence to the Supreme Court, and thence to the legislature, to be by that body sent back to the Supreme Court for final decision, with the further chance for a new trial on a writ of review."* This liability to protracted litigation had proved a serious fact in New Hampshire, and the evil was not unknown in other states.

* See Albert Stillman Batchellor's chapter on "The Development of the Courts of New Hampshire, from the Termination of the Province Government in 1775."

The separation of legislative and judicial functions was therefore one of the great reforms of the time. Another, was the definition of judicial terms, the creation of district courts with specified jurisdictions, and the gradual development of a system of appeals so as to bring litigation to as speedy a termination as possible. But the common law, with its elaborate and highly technical forms, made legal practice much of a mystery, and cost plaintiff and defendant much time and money. It was a step toward simplicity to arrange a system of inferior and superior courts in the state; to prepare the way for the gradual abolition of the *nisi prius* system; to define, at least in an elementary way, the jurisdiction of the courts in civil and criminal matters, and to make clearer the law and the equity powers of different grades of courts. The first constitution of Maryland contains the most elaborate article of any of the constitutions on the judiciary, and doubtless it discloses with tolerable completeness the practice at law as well as the judicial system of the state. The judges usually owed their office to executive appointment, for election by the legislature was a reform first secured in the first constitution of Ohio, in 1803, and popular elections were not instituted until after 1840. The governor also appointed justices of the peace, and in some states, the district attorneys. Thus the whole machinery of the judicial department was removed from popular control. But all executive nominations had to be approved by the senate, and thus a check on the governor was secured.

Testing these early constitutions by those made during the last quarter of the nineteenth century, the judicial provisions are vague, elementary, and indicative of a system in its rudimentary stages.* It may be said that no department of the public business has been more exhaustively discussed in constitutional conventions than the judiciary. The lawyers seem never to get it right. Its discussion may be read, with opportunity for great insight into the growth of our institutions, in the debates of some of the constitutional conventions, notably, that of Kentucky, in 1849; of Louisiana, in 1864; of New York, in 1868; of Pennsyl-

*See Chapter XV.

vania, in 1873, and of California, in 1879. As there is no record of debates in the state conventions from 1776 to 1820, we do not know what conditions prevailed during these early years, and with what intent the various provisions respecting the judiciary were inserted in the constitutions.

In reading the eighteenth-century instruments, including the Constitution of the United States, it is well to remember that a court of law always possesses undefined and undefinable discretionary powers; that a judicial system must be largely a matter of practice, and that only general outlines of its character can be given in the constitution, or even in the laws. It is in the successive judiciary acts, in the rules of court, and in the actual history of cases that there can be found the working judicial system of a commonwealth. The eighteenth century was an age of litigation, as witness the large number of successful lawyers in proportion to the population. This outburst of legal cases, such as usually follow a civil revolution, was the training-school of men who at a later day aided in perfecting the judicial systems still in vogue in the country. It may be recorded as a most important matter that out of this mass of legal dispute there evolved judicial reforms which, taking hold early in the nineteenth century, abolished many of the cumbersome methods of the old common-law procedure, the real actions, and the bills in chancery, and at last worked out a judicial system, in every state, by which suitors have "justice freely, without being obliged to purchase it; completely, without denial, and promptly, without delay."

In our day, a state government abounds in administrative offices. In the eighteenth century, every fifth man you met had not served the township, the city, the county or the state in an official capacity. The Revolution did not change American local government. Chief of administrative officers then as now was the sheriff, and it may be said that then as now the body of sheriffs in the country were representative men. This important officer was elected by the people, and could not succeed himself in office, until one term at least had intervened. Respecting other local

officers, save coroners and justices of the peace, the constitutions were silent; but legislation provided for assessors, collectors, treasurers, land officers, selectmen, aldermen, mayors, and councilmen.

The sparsity of population and the absence of large towns eliminated the problem of city government, therefore this chief civil problem of our day did not vex the Fathers. When we know that not until Michigan, in 1850, introduced an article on local government in its constitution was the subject hinted at in the organic law of a state, it is easier to understand the silence of the eighteenth-century constitutions on a subject which now is of first importance. Doubtless the explanation of the silence is found in the character and distribution of the population down to 1800, and indeed till 1830. An agricultural people would not require the elaboration of local government in an article in the fundamental law. In our day, the phrase "social efficiency" is a description of economic conditions. Where life is simple, agricultural, and filled with labor, elaborate laws or constitutional provisions regulating local government will not be found.

Perhaps no test that can be applied to these early governments is more searching than the conditions of voting, fixed by the qualifications for the suffrage. The terms "the people," "popular elections," are freely but vaguely used in our history. Public opinion is often distinguishable from the opinion of the voters. Throughout the period now under examination the number of voters was relatively small. The elimination of persons of color from exercising the suffrage cut out about one-fifth of the males. Property requirements eliminated white men in most of the states. Women who owned real estate voted in New Jersey from 1776 until the disabling act of November 16, 1807, when the term "inhabitants" in the constitution was defined to mean "white men having a freehold estate worth fifty pounds." Of the effect of property and religious qualifications in cutting down the number of voters, we have no accurate record.

As late as 1830, in Virginia, there were eighty thousand white men of age who were barred from voting by

their poverty.* The active thought of the times could not trust the landless man with a vote or an office. Thus real estate was the basis of republican government in America. The first discussion of this startling fact that comes down to us was in the Massachusetts convention of 1820. The venerable John Adams, the learned Story, the profound Webster, the thoughtful Lincoln, then discussed at length "the true basis of government." Lincoln declared for persons; Adams, Story, and Webster for property. The speech which Webster then delivered he repeated a week later, as the Plymouth Oration, and it remains to this day the best presentation of the eighteenth-century ideas of the basis of government.

Testing the constitutions by the extent of the suffrage which they permitted, government in America in its early form, as the Fathers gave it to the world, seems a plutocracy rather than a representative democracy. But we must not forget that we live in a different age, when, politically, as Franklin puts it, "the whole of one man is as dear to him as the whole of another." No evidence reaches us that any of the Fathers looked forward to universal suffrage as the destiny of the American people. Those who lacked the requisite religious belief, or amount of property, were considered as we now consider children, as having civil rights, but as being represented by others. The counter-revolution through which the country passed with the coming of Andrew Jackson into the presidency finds one of its chief causes in the limited suffrage which prevailed till about 1825. As most of the earlier constitutions were promulgated by the conventions that framed them, the voters had no opportunity to record their opinions regarding them. Not until democracy was strong enough to insist upon the submission of such documents to popular vote, did property and religious qualifications for the voter disappear.

When we examine any civil structure of the past, it seems to be only a phrase or a transition to something that has followed. So these early organic acts seem but a preamble to the present political institutions of our country.

* For their petition to the Virginia convention and its discussion, see the Debates, 1829-30.

But we must not forget that they were most important elements in the lives of millions of men and women, and possessed for them more than a merely historical interest. Legislatures levied taxes and disbursed appropriations. Courts handed down decisions, governors executed laws, and the machinery of the public business ran on, with serious effect on the lives of millions and the destiny of the nation. Whatever defects we think we detect in these fundamental laws, we know that they were made and administered by some of our foremost statesmen, and that the people advanced under them to greater prosperity. One is led to the conclusion that there is more to a state than its constitutions and its laws. This superior part is, after all, the men and women who, in spite of defective public statutes, constitutional limitations, confines, and denial of rights, of which, nevertheless, a people may boast as evidence of progress, steadily attending to their various duties, prepare the way for the larger opportunities of a more liberal age.

However defective the first state governments formed, when tried by the tests of our later republican organization, their defects were far less serious than those of the league of states which, under the name of the Confederation, was the first attempt of the American people to form a national union. Let us now turn our attention to the Confederation.

NOTE.—New State Constitutions.—The states have framed constitutions as follows (the states are named in the order in which they came into the Union):

1. Delaware, 1776, 1792, 1831, 1897.
2. Pennsylvania, 1776, 1790, 1838, 1873.
3. New Jersey, 1776, 1844.
4. Georgia, 1777, 1789, 1798, 1839, 1868, 1877.
5. Connecticut, Charter of 1662, Constitution of 1812.
6. Massachusetts, 1780.
7. Maryland, 1776, 1851, 1864, 1867.
8. South Carolina, 1776, 1778, 1790, 1868, 1895.
9. New Hampshire, 1776, 1784, 1792, 1876.
10. Virginia, 1776, 1830, 1850, 1870.
11. New York, 1777, 1821, 1846.
12. North Carolina, 1776, 1868, 1876.
13. Rhode Island, Charter of 1663, Constitution of 1842.
14. Vermont, admitted March 4, 1791. Free. Constitutions, 1776, 1786, 1793.

15. Kentucky, admitted June 1, 1792. Slave. Constitutions, 1792, 1799, 1850, 1891.
16. Tennessee, June 1, 1796. Slave. 1834, 1865, 1870.
17. Ohio, November 29, 1802. Free. 1851.
18. Louisiana, April 30, 1812. Slave. 1845, 1852, 1868, 1879, 1898.
19. Indiana, December 11, 1816. Free. 1851.
20. Mississippi, December 10, 1817. Slave. 1832, 1868, 1890.
21. Illinois, December 3, 1818. Free. 1848, 1870.
22. Alabama, December 14, 1819. Slave. 1867, 1875.
23. Maine, March 15, 1820. Free.
24. Missouri, August 10, 1821. Slave. 1865, 1875.
25. Arkansas, June 15, 1836. Slave. 1868, 1874.
26. Michigan, January 26, 1837. Free. 1850.
27. Florida, March 3, 1845. Slave. 1865, 1868, 1886.
28. Texas, December 29, 1845. Slave. 1866, 1868, 1876.
29. Iowa, December 28, 1846. Free. 1857.
30. Wisconsin, May 29, 1848. Free.
31. California, September 9, 1850. Free. 1879.
32. Minnesota, May 11, 1858. Free.
33. Oregon, February 14, 1859. Free.
34. Kansas, January 29, 1861. Free. (Slave constitution, 1855; free constitution in 1857; slave constitution in 1858, a free constitution in 1859, on which the state was admitted.)
35. West Virginia, June 19, 1863. Free. 1872.
36. Nevada, October 31, 1864. Free.
37. Nebraska, March 1, 1867, 1875.
38. Colorado, August 1, 1876.
39. North Dakota, November 2, 1889.
40. South Dakota, November 2, 1889.
41. Montana, November 8, 1889.
42. Washington, November 11, 1889.
43. Idaho, July 3, 1890.
44. Wyoming, July 10, 1890.
45. Utah, January 4, 1896.

CHAPTER XV

THE WAR FOR INDEPENDENCE

1776-1783

The Declaration of Independence was not hastily issued. For two years the colonies had been protesting and petitioning, and for over a year war had been raging, yet all this time the people were thoroughly loyal. Their thirteen governments were not oppressive. A stubborn, foolish king and an equally stubborn and short-sighted ministry persisted in a policy of taxation, which the colonies with equal stubbornness resisted. Had the English government quietly abandoned its policy and let the assemblies levy the tax, there would have been no war for independence at this time. It cannot be too well understood that the folly of England was the fundamental cause of the war. Her folly was industrial as well as political. Her trade laws were narrow in spirit and ruinous in their effects. The Continental Congress seems to hesitate, and to be reluctant to go to war. No body of Americans plotted independence. There was no conspiracy to overthrow the old government and to set up a new one. Congress acted chiefly from outside pressure, and that was England and the English.

It may be well to remember that time has justified the Americans in their revolt against the English government, as has been demonstrated by that government's later colonial policy. The American colonies were the last, and indeed the only ones England lost. She entirely revised her colonial policy after the American Revolution. By adherence to the liberal principles at that time forced upon her notice, she has extended her empire and benefited mankind. Canada is an example of her colonial wisdom. So it may be said that the American Revolution did as much for the British Empire as for the American Republic.

As soon as hostilities broke out, and Americans were

dead or dying for the support of their principles, the idea of independence rapidly took hold of the people. In hundreds of town-meetings along the seaboard, in gatherings on the frontier, resolutions for independence were passed, so that Jefferson had his work well done before he began. The Declaration of Independence contains the substance of dozens of little declarations adopted all over the country. When Richard Henry Lee's resolution was carried, July 2, 1776, the colonial period came to an end. The Declaration of the 4th of July was issued out of "a decent respect to the opinions of mankind," and gave the causes which impelled separation. On that day the people of the United Colonies became a new nation, "conceived in liberty, and dedicated to the proposition that all men are created equal."

America then had no large cities. Philadelphia, the largest, did not have thirty thousand souls. It was a rural people whom King George proclaimed "rebels." The conquest of such a people is always difficult, because there are no great centers at which to strike. Moreover, America was much of a wilderness. The English and German troops were accustomed to the smooth roads of Europe. America lacked roads. The English policy was, therefore, to get control of the seaport towns, and the great bays and rivers. By holding these, the British might raid the country at leisure. If the Hudson were held, New England would be cut off from the center and south. The Americans had no fleet; the English fleet was the most powerful in the world. By holding the Delaware, Chesapeake Bay, Charleston Bay, and the Savannah River, the British might conquer the country piecemeal.

The Americans were familiar with the lay of the land. Their policy was to avoid open battle and sieges, but to strike quick blows, to cut off supplies, constantly to invest the enemy and to wear him out. They were on the defensive. Any true account of the equipment of the two forces brings out strange contrasts. The English were trained soldiers, equipped with the best weapons of the day, and were fully supplied with food, clothing, medicines, and ammunition. But England at this time had no first-class officers in her army. When the Declaration of Indepen-

dence was read in England, doubtless Arthur Wellesley, a boy nine years old, heard of it; but England, in 1776, had then no great soldier like this "Iron Duke" of the next century. The English officers who were sent to America were of the Braddock type; and some had seen much of camp life, but most of them, like Burgoyne, had seen more of club life. They knew little of American geography, and less of the Americans, whom they despised as rebellious peasants and colonial politicians and conspirators. The English troops were a fine military machine, which their officers did not know how to operate, at least in America.

The American soldiers, or continentals, as they are often familiarly called, were farmers, mechanics, counting-house clerks, frontiersmen, a few negroes, and a sprinkling of men from those whom John Adams, and many since his day, called the "well-born." Hardly two of them had the same equipment. They were unaccustomed to discipline; and the spirit of personal independence was strong, and made discipline difficult. Jealousy and petty rivalries between different colonial regiments, a host of independent companies, frequent desertions, occasional mutinies, short enlistments, and the temptations of home ties, made the American troops a motley company at best. But they were fighting for themselves and their homes; they were unusually good marksmen, and capable of enduring great fatigue. In every way they were a contrast to their opponents.

Even greater was the contrast between the English and the American officers. Washington combined the statesman and the soldier. He was in the prime of life, being forty-three when he took command. His training had been on his plantation, which, managed by himself, was one of the best in the country. In the French war he had borne a conspicuous part; in the Virginia House of Burgesses he was known for his practical good sense, and in Congress, where he was amidst the most brilliant men in the country, he was admired for his sagacity. He was one of the wealthiest, and also one of the best informed, men in America. He was methodical, cautious, and full of reserve power. Within nine months of his appointment as com-

mander-in-chief, he had compelled Lord Howe to evacuate Boston, and had done this with raw militia and British cannon captured at Ticonderoga. No man of his type could be found in the British army.

The other American officers varied from him in degree rather than in kind. They were not professional soldiers. A few, like Stark, Putnam, and Allen, had seen service in the last French war; a few had figured in the militia, but most of them were just what the English called them, "plowboys." As the war went on, the qualities of the "plowboys" were fully displayed, as we shall see.

The English army was well drilled, but badly officered, was three thousand miles from its base of supplies, and was on the offensive.

The continentals lacked discipline, but were well officered, were near their base of supplies, and were on the defensive.

On the morning when the Declaration was read to the army at New York, Congress had no delegated authority to levy a tax, to buy a gun, to equip a regiment, to build a ship, or to carry on the war. No body had empowered it to make treaties, to borrow money, or to contract alliances. Yet it proceeded promptly to do these very things. If Washington was successful in beating back the British, Congress would have little difficulty in governing the country. But if reverses came; if the assemblies refused to co-operate, and the people to furnish men, money, and supplies; if factions broke out in the army, in Congress, and in the states, then the hope of the country was Washington. Events soon proved his influence with the people, and of what stuff he was made.

While the Declaration was on its passage, British troops were landing near New York City, and by the end of August, Howe had thirty thousand men there. He pressed the American detachment at Brooklyn so closely as to threaten to crush it. Washington, taking advantage of a dark and foggy night, safely transported his army from Brooklyn Heights to New York. The advance of the British fleet up the Hudson River made Washington's position unsafe, and he retreated northward. Howe drove

him up the Hudson Valley, attacked and defeated the Americans intrenched at White Plains, and carried Fort Washington by assault. Fort Lee, on the New Jersey shore of the river, was abandoned to the British. The continentals now began returning home in large numbers, as their time had expired. Washington seemed likely to be left without an army. The next center of British attack was obviously Philadelphia. Washington left his tents and his camp-fires burning and started for New Jersey. General Charles Lee, who insisted on having an independent command, was left in charge of the forces east of the Hudson, and was ordered to join Washington at Hackensack. This would have brought together an army of fourteen thousand to confront Howe. Lee refused to obey. Washington could only retreat through New Jersey, with Cornwallis at his heels. He crossed the Delaware into Pennsylvania. Meanwhile, Cornwallis extended the British lines from Burlington to above Trenton.

Believing that Washington would soon be ruined, Lee marched to Morristown. Soon after his arrival he was captured, in gown and slippers, by some British dragoons at an inn outside his lines. He was taken to New York and confined, but it is now known that he turned traitor and gave Howe information that would help destroy Washington and his army. His capture left John Sullivan in command, who joined Washington.

On Christmas night, in a blinding snowstorm, with two thousand five hundred picked men, Washington surprised the British center at Trenton, broke the line, captured a thousand Hessians, and was back in Pennsylvania, ten miles away, before Cornwallis knew what had happened. The news of the retreat through New Jersey and of the coming of the British had started a panic in the Delaware Valley. Congress fled to Baltimore. Scores of people protested that they had always been for the king. The capture of the Hessians turned the tide. Philadelphia insisted on seeing the Hessians, that it might believe the victory. So Washington had them marched, as prisoners of war, down High, now Market, Street. He encamped his troops at Trenton, December 30th. Men and supplies began to

pour in, and the cause looked brighter. Even the New England troops re-enlisted for six weeks.

Cornwallis was astonished. He thought the war was over, and had sent some of his baggage on board a ship to carry him to England. The rebels should not steal his Hessians in this fashion. So he marched from New Brunswick to Trenton with eight thousand men. Washington was thus placed in a critical position, being between the British army and the Delaware. Then Washington, the soldier, acted. During the night of January 2, 1777, he marched around the flank of the British army, routed the regiments forming its rear at Princeton, and passed on to Morristown Heights, where he went into winter quarters. This brilliant maneuver hinted to Cornwallis that he might need his baggage. There might be soldiers among the "plowboys."

There were other observers than Americans and Englishmen. A number of young and gallant Frenchmen who loved the cause of liberty had been meditating an offer of their services to Congress. The Marquis de Lafayette now fitted out a ship with military supplies and offered it and his services.

At Morristown Washington spent the winter in improving the organization of the army. Supplies from France were received, with the knowledge of the French government. Public enthusiasm in the states began to cool. Congress was slow to adopt a wise military policy. It divided the public business among many committees; it neglected to concentrate the resources of the country and began to demonstrate its incapacity to govern. Most of the older and experienced members of the Congress that issued the Declaration were now governors of states or members of assembly. Franklin had been sent as Minister to France; John Adams, as Minister to Holland. The little men were getting into Congress. Many of them were jealous of Washington, or had petty policies of their own.

But Washington worked on. Summer found him with seven thousand troops, but he could not discover Howe's plans. He marched into New York, and Howe seemed to give no thought to him. On July 23d, it was known that

Howe had set sail southward. This meant an attack on Philadelphia. Washington moved quickly into Pennsylvania. At the Neshaminy, he was joined by Lafayette and De Kalb. News reached him that Howe had left the Delaware and was coming up Chesapeake Bay. He at once marched to Wilmington, Delaware, to check his advance. On the 25th of August, Howe landed, and the two armies met on the 11th of September at Chadd's Ford, on the Brandywine. A short battle followed.

Washington was defeated and retreated through Chester and Philadelphia. The English advanced up the Schuylkill Valley. Washington was on the east bank of the Schuylkill. Howe suddenly turned back, and on September 26 entered Philadelphia. Washington, on the 4th of October, made an unsuccessful attack on the British outposts at Germantown. He then retired to Valley Forge for the winter. The army suffered terribly for lack of food, clothing, and medicine. But Washington's position was a strong one by nature, and made stronger by fortifications. Moreover, he could watch Howe. Congress was at York, whither it had fled from Lancaster, after a brief sojourn in Baltimore.

In 1777, the British planned the conquest of New York and the permanent separation of New England from the other states. Two armies were to invade the state from Canada, and be met at Albany by a third from New York City. General John Burgoyne came down by way of Lake Champlain, captured Fort Ticonderoga, July 5, and three weeks later reached Fort Edward. General Schuyler had greatly delayed Burgoyne by obstructing his march with fallen timber. At Bennington, Vermont, the Green Mountain Boys had a quantity of supplies, which Burgoyne sent about one thousand of his German troops to capture. Instead of securing the supplies, the Germans suddenly found themselves surrounded and captured by the Green Mountain Boys under Colonel John Stark, on the 16th of August. Only seventy escaped.

Encouraged by this success, the Vermont men, now well supplied with weapons and ammunition, took position north of Burgoyne's army, thus cutting him off from his

base of supplies. Just thirteen days before the battle of Bennington, the Americans were besieged in Fort Stanwix by Colonel Barry St. Leger, who was in command of the second army, invading New York from Canada, having ascended the St. Lawrence to Lake Ontario, landing at Oswego, and thence pushing on down the Mohawk Valley. For three days the siege went on, when on the 6th of August the garrison made a sortie, swept over St. Leger's camp, captured five British flags, and in triumph hoisted them upside down over the ramparts. Congress, in June, had adopted the "Stars and Stripes," and now the garrison hoisted them above the inverted British flags. This was the first unfurling of our national flag; and it was hastily and clumsily made out of some red flannel, a white shirt, and a blue jacket.

While the garrison of Fort Stanwix was routing St. Leger, a terrible fight was raging in a ravine near Oriskany, where Joseph Brant and his Mohawks had entrapped in ambush General Nicholas Herkimer and eight hundred militia on the way to raise the siege of the fort. This was the fiercest fight of the whole war. Herkimer was fatally wounded, but Brant's Mohawks were too crippled to advance. General Schuyler now sent Benedict Arnold to relieve the fort. Arnold caused a panic in St. Leger's camp by spreading a rumor that Burgoyne had been terribly defeated. On the 22d, St. Leger hastily retreated to Lake Ontario. Burgoyne was thus deprived of his aid, and also of that of the Mohawks.

Meanwhile, Burgoyne was daily getting into worse straits. The Americans were on every side. The British army was entangled in the wilderness. Howe and his army were yet at sea; no help could be expected from New York City. Stubbornly Burgoyne moved on, defeated at Bemis Heights on the 19th of September, and again at Stillwater, October 7. Retreating to Saratoga, he found himself surrounded and outgeneraled by Schuyler. In the midst of these operations Congress displaced Schuyler and put General Horatio Gates in command. But Burgoyne's fate was already settled. Schuyler's comprehensive plans, and Arnold at Bemis Heights, had forced Burgoyne into a hope-

less position. He was cut off from Canada and from New York City. Howe, ignorant of Burgoyne's movements, was busily engaged in taking Philadelphia. He could give Burgoyne no assistance.

On the 17th of October, 1777, Burgoyne surrendered his army of six thousand men to General Gates. This surrender was one of the great events in history. Saratoga is one of the fifteen decisive battles of the world. Several important consequences followed.

France decided to recognize the independence of the United States and to form an alliance. By a treaty signed by Louis XVI. and Dr. Franklin, February 6, 1778, it was agreed that the war should continue till England acknowledged our independence.

Public sentiment in England was changed. The king and Parliament and the ministry were willing to grant the Americans anything except independence.

The British plan of war in America suddenly failed. The country was not cut in twain, but more firmly united than ever. This was an immediate result. The French alliance raised the spirits of the Americans and stimulated them to renewed exertions. Ultimately Spain and Holland aided us, and declared war against England. In each instance, it was not love for us but hostility to England that won us foreign aid. But the recognition of American independence by France was evidence to most Americans that continental Europe considered Burgoyne's surrender the beginning of the end.

The winter of 1777-78 set in early, continued late, and was one of the most severe on record. The camp at Valley Forge was a scene of constant suffering. Though in the midst of a rich farming country, the American army suffered for all kinds of supplies. At Philadelphia, scarcely twenty-five miles away, the British had an abundance. The crops in 1777 were plentiful all over the country. Why, then, did Washington's army suffer? These were the reasons:

Congress mismanaged the commissary department. It was in charge of a commission. Supplies that ought to have gone to the army at Valley Forge enriched politicians and speculators.

The farmers preferred to sell to the British army for gold, rather than to the American army for "continental" paper currency, whose value was constantly and rapidly decreasing. Our finances were badly managed, and the poor soldiers at Valley Forge had to suffer in consequence.

The means of transportation were bad. Many of the states collected the taxes in kind; that is, flour, grain, cattle, pork, and salt; and the cost of transporting these supplies in winter-time was usually much greater than the value of the produce collected.

So the suffering at Valley Forge must be attributed not to the apathy of the farmers or to the discouragement of the people, but to the bad management of the public affairs. Amidst these dark days, several members of Congress and some officers of the army plotted to put Gates in Washington's place. The conspiracy known as the "Conway cabal," from one of the officers engaged in it, needed only to be breathed aloud to thinking men in order to come to naught. But it made the Valley Forge winter darker and drearier. The French treaty was drawn in February, 1778. Baron Steuben, a distinguished Prussian soldier, came in the spring, and began drilling the army by the most approved rules of war. The "cabal" brought only disgrace upon its supporters. It left Washington stronger than ever with the people. Supplies began to arrive from France, and a French fleet was daily expected.

Sir Henry Clinton had succeeded Lord Howe in command of the British army. Burgoyne's surrender left most of New York State in the hands of the Americans. Might they not regain New York City now that a French fleet would assist them? Clinton left Philadelphia in order to prevent such a disaster. Washington was close after him, and attacked the British rear column at Monmouth, New Jersey, on the 28th of June, 1778. General Charles Lee had meanwhile been exchanged. His perfidy was unknown to Washington, and he was in command. At a critical moment, when everything promised victory for the Americans, Lee ordered a retreat. Washington's timely presence prevented the utter rout of the Americans. Lee was soon after expelled from the army. The French fleet failed to

co-operate with Washington against New York, because some of the ships drew too much water to get over the bar. Clinton was thus left in possession, though closely watched and really invested by Washington's army, which was posted from Morristown to West Point. If the French fleet could shut off supplies by sea, Clinton would be in a critical position. Washington must be drawn away from the Hudson. Clinton therefore sent an expedition to ravage Connecticut, hoping that Washington would weaken his position by sending a detachment in pursuit. On the contrary, Washington sent General Anthony Wayne to storm Stony Point, a strong British outpost. Wayne's assault and capture of the fort, July 19, 1779, was the most brilliant action of the war, and one of the most brilliant in military annals. Clinton discovered that his Connecticut marauders would be needed in New York, and he quickly recalled them. Washington had outgeneraled Clinton at Stony Point, as he had outgeneraled Cornwallis at Trenton in December, 1776.

A part of the British policy was to carry on an incessant Indian war along the frontier. Aided by the Tories, under Butler, the savages, led by Joseph Brant, a half-breed, fell upon the inhabitants of the Wyoming Valley, Pennsylvania, in July, 1778. The horrors of this massacre have never been surpassed. Another massacre, in Cherry Valley, New York, occurred in November. In the following year, General Sullivan led an army into central New York and struck the Six Nations a terrible blow, from which they never recovered. The Tories, too, were quelled. From Detroit as a center, the British planned an Indian rising throughout the West. The settlements all along the frontier should be destroyed. But a young Virginian, George Rogers Clarke, hearing of this, boldly took the offensive, and in two campaigns, in 1778-79, so thoroughly vanquished the savages and their British leaders, the chief of whom, Hamilton, he captured at Vincennes, that the whole country, from Pennsylvania to the Mississippi, and from Lake Superior to the Ohio, was conquered American soil. This secured the Northwest to the United States. South of the river Ohio, immigrants were moving across the mountains, from the

Carolinas, led by James Robertson, into Wautauga, called Franklin, and later, Tennessee; from Virginia, led by Daniel Boone, into Kentucky. Both of these new settlements were the scenes of terrible conflicts with the Indians, who, it was believed, were incited and secretly aided by the British. Indeed, all through the Revolution the frontier was the post of constant danger and ceaseless Indian attack. The young West was passing through a terrible trial of Indian atrocities, encouraged, if not instigated, by British officers.

When the war opened, the Americans had no army, no navy, no general government. The Congress of 1775 assumed control of public affairs, though with hesitation. It adopted the military companies around Boston as the "continental army," and in December, 1775, began the organization of a navy by ordering thirteen cruisers to be built and equipped. But England controlled the sea, and Congress knew that it was hopeless to try to contend with so mighty a sea-power, save by privateering. Therefore, letters of marque and reprisal were granted freely to American ship-owners, and hundreds of barks, brigs, and schooners, that recently had been carrying cargoes about the world, were converted into privateers, to fall upon English ships, of whatever kind and wherever found. English commerce suffered heavily, and shipping rates greatly increased. The policy of Congress by sea was like Washington's by land—to harass the enemy, to destroy his supplies, and to wear him out. Under the circumstances, what other policy was possible?

When the war closed, the country was without a navy, because the ships converted into men-of-war—not over thirty in all—had been lost or were not worth maintaining. Small as our navy had been, it had captured a hundred British ships of war. The number of prizes taken is unknown, but it was among the thousands. English merchants complained that the ocean swarmed with "American pirates." Congress called them privateers.

But the naval history of the Revolution is not wholly of privateering. Early in 1776, Congress collected a fleet of eight ships at Philadelphia. They were merchantmen, slightly remodeled and armed. As they sailed down the

Delaware a yellow flag was seen flying from the masthead of the flag-ship, and on the flag was a curious device: a sort of American coat-of-arms, a pine-tree, a rattlesnake coiled, and the good advice, "Don't tread on me." A young lieutenant had run up the flag; his name was John Paul Jones. It was the American flag, and hundreds had been fluttering about the city. One of them is now preserved in the old State House in Philadelphia. Paul Jones was the first man to hoist the American flag on the deck of a ship. Nearly two years later, in November, 1777, he left Portsmouth, New Hampshire, in search of British ships. He overhauled his ship at Brest, France, and then fell upon whatever came in his way in the channels and in the Irish Sea.

Never before had such an embodiment of terror and destruction been seen in those waters, and exaggerated accounts of his prowess preceded him. He boldly entered the harbor of Whitehaven and burned the shipping before the eyes of the astonished people. He burned merchantmen at sea, and making prize of an armed schooner, the *Drake*, returned to Brest. His exploits were considered rather irregular by some Americans high in authority, but Franklin was his steadfast friend. Through his efforts, Jones was given five vessels, and with these he started again for the English coast. His flag-ship, *Bonhomme Richard*, or *Poor Richard*, was destined to a most famous career. On the night of September 23, 1779, while off Flamborough Head, he met a British frigate, the *Serapis*. The ships grappled and were quickly lashed together. Jones was in his element. When the masts of the *Bonhomme Richard* were shot away, its rotten hulk sinking and its deck covered with dead and dying, the English captain summoned Jones to surrender. "Surrender," shouted Jones; "I have just begun to fight."

For three hours, in the clear moonlight, the fearful fight went on. Then the *Serapis* struck her colors. The *Poor Richard* was barely afloat. Forced to abandon her, Jones cut the ropes that bound her to the captured ship, and she sank out of sight. He sailed in his prize to Holland. From this moonlight night in September, the American navy took

to itself a name and a place in the world. Congress ordered a medal to be struck in honor of Paul Jones. Other fame was in store for him. James Fenimore Cooper, in 1823, made his exploits the basis of one of his greatest stories, *The Pilot*. While the *Serapis* and the *Richard* were engaged in this terrible fight, the *Pallas*, one of Jones's fleet, had captured the *Countess of Scarborough*. Captain Landais, of the *Alliance*, another of the American fleet, had fired now at one English ship, now at another, but repeatedly poured his broadside into the *Richard*, working havoc and persuading her men that the *Alliance* was an English ship. In vain did Jones order and protest. Landais was either a traitor, as many still believe, or insane. He had powerful friends, and when, soon after, he was deposed from his command and expelled from the navy, it was claimed that he had been treated unjustly. History, however, has never been able to remove his name from the list of American traitors.

In December, 1778, the British began a series of campaigns to conquer the Southern states. They had failed to conquer New England. Washington had compelled them to evacuate Boston, March 17, 1776. Their triple effort to conquer New York had ended with Burgoyne's surrender, October 17, 1777. They had evacuated Philadelphia, June 18, 1778. Thus their grand plan to divide the states had not only badly miscarried, but left them only standing-ground in New York City. Washington cut off their supplies by land; the French fleet might cut them off by sea, though this was improbable.

Their southern plan was at first successful. Georgia was overrun in 1779, Savannah was taken, and a royal governor installed. Late in the autumn, General Lincoln, supported by a French fleet, attempted to recapture Savannah, but was defeated and driven away, with great loss. Charleston was next attacked. Against the advice of Washington, Lincoln tried to hold the place, but on the 12th of May, 1780, was compelled to surrender it, with his whole army, to Sir Henry Clinton. Leaving Lord Cornwallis in command, Clinton returned to New York.

The Tories were numerous in the South, and a fierce

partisan warfare made the Carolinas like the savage frontier. Lincoln's disaster happily did not overwhelm the patriots. A new army was collected, and Congress gave the command to Gates. At Camden, on the 16th of August, 1780, he was defeated by Cornwallis, and barely saved his army from utter destruction. It was the worst defeat suffered by the Americans during the war. It showed what sort of a soldier the "cabal" would have put in Washington's place. Georgia and the Carolinas were now British territory again, except where the brave bands of the gallant leaders Sumter, Marion, and Pickens kept up the fight.

When the British evacuated Philadelphia, in 1778, General Benedict Arnold was stationed there. His reputation for bravery and capacity was not excelled by that of any officer in the army. His march into Canada, his assault on Quebec, his defeat of Burgoyne at Bemis Heights, were enough to make a great name for any man. On account of a troublesome wound received at Quebec, he, at his own request, had been retired from active duty and put in command at Philadelphia. There he lived beyond his means, violated the rules of war, and being of a choleric temper, offended the people of the city, Congress, and the commander-in-chief. Congress ordered Washington to reprimand him for his delinquencies as an officer. Arnold resolved on revenge. He asked to be put in charge of West Point, the most important fort on the Hudson, secretly resolving to deliver it to Sir Henry Clinton, and thus accomplish by treason what the British had been unable to accomplish by arms. Before leaving Philadelphia, he began negotiations with Clinton. At last, Arnold arranged to meet in person, near Stony Point, the representative of Clinton, Major John André. Having completed the details for the surrender of the fort, Arnold returned to it, and André set out for New York, but was arrested by three Americans, who, not at first suspecting him, at last searched him, and were astounded to find in one of his stockings papers written and signed by Arnold. Not comprehending the plot, they decided to hold "John Anderson," as André was described in the papers, as a suspicious character, and delivered him to the nearest officer, who, equally unsuspi-

cious, at once reported the capture to Arnold. This enabled Arnold to make his escape. André was tried by a military court, was found guilty of being a spy, and was hanged.

When news of Arnold's treason spread through the country, coming as it did at the heels of many southern disasters, it seemed for a time as if the patriot cause were doomed. Who could be trusted? How could the South be regained? Then, too, at this time, the paper money of Congress, the "continental bills of credit," ceased to have any value. A wagon-load of them would not buy a loaf of bread. It seemed as if all disasters had befallen the Americans at once. The year 1780 was the gloomiest in American history.

But where defeat had been worst, there came victory. The tide was now turning. Five days after the death of André, a British force of some eleven hundred men, including many Tories, ventured too far into the mountains of North Carolina, and on the 7th of October was cut off by the "backwoodsmen of the Carolinas" at King's Mountain. Greatly encouraged, the patriots of the two states gathered together a third army, and many regiments from the north were joined with it, all under command of the second soldier of the Revolution, Nathaniel Greene. Under him was the famous cavalry officer Daniel Morgan, of Virginia, who had won great fame at Saratoga.

Chief of the British cavalry officers was Colonel Banastre Tarleton, whose exploits had made his name a terror in the South. At the Cowpens, on the 17th of January, 1781, Morgan, with nine hundred men met Tarleton with more than eleven hundred in open field. Tarleton at last escaped with two hundred and seventy men, leaving nearly as many dead or wounded, and six hundred prisoners. Of Morgan's men, sixty-one were wounded and twelve killed.

His ablest officer defeated, Cornwallis now started out to destroy Greene as he had destroyed Gates. But Greene was content to wear out the British army, as his own was not strong enough to risk a battle. Then began a masterly retreat, with Cornwallis close at his heels, and both generals maneuvering for the advantage of position. For two hundred miles the race ran on. Cornwallis wearying of the

chase, fell back to Guilford Court House. Greene followed, and a battle was fought. Greene was defeated, but the British army was too exhausted to pursue him. Cornwallis was far from his supplies, and he now began a retreat toward Wilmington, North Carolina. Greene pursued him hotly. Believing that Cornwallis could be of little harm if left behind, Greene suddenly left him and turned toward Charleston and Savannah. Cornwallis turned north and took position at Petersburg, Virginia.

At Hobkirk's Hill, April 25, and at Eutaw Springs, September 8, 1781, Greene, though not victorious, was enabled to free the greater part of the Carolinas of British troops, so that Charleston was all that was left to them, and this because of their powerful fleet. Greene had succeeded in cutting off Cornwallis and his army from Charleston, and thus he maneuvered the enemy out of the state.

When Cornwallis reached Virginia, he found Benedict Arnold and a British force burning and plundering the tide-water country. Sending him back to New York, for he despised him, he joined Arnold's force to his own and began a campaign against Lafayette, who had been trying to get hold of Arnold. But orders came to Cornwallis to select some Virginia seaport town, to fortify it, and to make it his headquarters. He chose Yorktown, and by the 1st of August was strongly intrenched there with seven thousand men. Thus far in the war, a British army in a seaport town was thought to be safe from harm, because of the English fleet, but Count de Grasse had recently arrived with a French fleet.

On the 14th of August, 1781, Washington, whose headquarters were at West Point, was informed that the French fleet was sailing for the Chesapeake. He at once planned the campaign. His own army and the fleet should co-operate. The fleet would cut off Cornwallis by sea, the army would cut him off by land. Clinton half expected such a joint attack on himself at New York. Before he knew Washington's intention, the American army was at Philadelphia, on its way to Yorktown. Cornwallis urged Clinton to send him reinforcements. Instead, he sent Arnold to burn New London and other Connecticut towns

along the sound. But the ruse was too evident. Washington and the French fleet had started for Yorktown, and there they met and hemmed in the British army on every side.

Of the sixteen thousand men in the American army before Yorktown, four thousand were Frenchmen, commanded by Count Rochambeau. On the 19th of October, 1781, Cornwallis surrendered, but not in person, as he pleaded sickness. His sword was delivered by General O'Hara to General Lincoln, whom Washington designated to receive it. And the news swiftly went over the land, "Cornwallis has surrendered; independence is won." When Lord North, the prime minister, heard the news, he could only exclaim, "It is all over."

But a year passed before a preliminary treaty of peace was signed,* and nearly two years before a final treaty was made.† By the first, the boundaries of the United States were agreed on; by the second, all points of difference between the two countries were amicably settled. The treaty was negotiated at Versailles; was signed by Dr. Franklin, John Adams, and John Jay, at Paris, and was ratified by Congress, January 14, 1784. Hostilities ceased soon after the surrender of Cornwallis, and within a year from the day of the preliminary treaty the last British soldier left the country. Evacuation day, November 25, 1783, was celebrated with great festivity in New York City, till within recent years.

Our original national boundaries were fixed by agreement with England, France, and Spain. As there had never been any surveys, or even maps or explorations, that showed the lines finally agreed to, they were arbitrarily laid down, each nation trying to get as much as possible for itself. In fact, the boundaries were only vaguely described; the exact location was to be determined later. As all later boundary treaties with England had their basis in the treaty of 1783, it may be said that by this treaty the Canadian line from the Lake of the Woods to Maine was as it is to-day. The Maine boundary was left unsettled. The Mississippi

* November 30, 1782.

† September 3, 1783.

was made our western boundary down to thirty-one degrees north latitude. From this point the line ran eastward along this parallel to the Appalachicola River. The remainder of the southern boundary coincides with the northern boundary of the state of Florida. The eastern boundary was the Atlantic shore.

The two Floridas were given to Spain as her share of the spoils. She had declared war against England in 1779, and at once sent an expedition from Louisiana into Florida and seized the whole peninsula. Spain also insisted on having all of King George's "Indian Country"—that is, the entire region between the Alleghanies and the Mississippi. France favored this claim from the Ohio southward. Dr. Franklin and his colleagues secured the Mississippi as our western boundary by a secret treaty with the British commissioners. We owe the final terms to the firmness of our three commissioners.

As the result of the treaty, Spain was our neighbor on the west and south; England (Canada) on the north. The people of the United States were a new nation; they number about three and a quarter millions, and their country contained about eight hundred and thirty thousand square miles. Had our allies France and Spain prevailed, the area would not have been half as large.

CHAPTER XVI

THE LEAGUE OF STATES

1776-1787

The Revolution of 1776 was the uprising of the people of the colonies against the administration of government in the British Empire. Before the war the colonies were an integral part of the empire, and on a plane of civil equality among themselves. The Revolution knew no precedence among the colonies, and the people of no colony can be said to have had the priority in right of leadership in the war. The people acted as a unit. Separate and independent state revolt from British authority was unknown. Representation in the general assemblies was familiar to all the people, and when the time for concerted action came they followed the familiar course of choosing representatives to a continental congress as they had long been accustomed to choose representatives to their local assemblies, each of which had considered only the wants of the colony it represented. The Congress took into consideration the general welfare of America.

To the first Continental Congress, which assembled in Philadelphia on the 5th of September, 1774, delegates came from all the colonies except Georgia, chosen, as we have seen, in some by the members of assembly, in some by a convention specially called by the electors in the colony, and in others by the provincial Congress. The persons so chosen described themselves in their acts as "The Delegates Appointed by the Good People of the Colonies," making no reference to the several states as independent or sovereign. This Congress was a convention of the whole people, and therefore national in character; but considered as a government it was temporary, revolutionary, experimental, and imperfect in organization.

The acts of this Congress were of national importance.

It forbade, by its non-importation agreement, the importation of merchandise from Great Britain, or the exportation of merchandise to Great Britain; it issued a declaration of rights, and framed an address to the king and another to the people of England.

Returning to the body of the people, its delegates continued the national movement by explaining the situation of affairs to those who had elected them, and by making common information of the opinions of the people in all parts of America. The essential function of this Congress was to disseminate opinions. Delegates from New England met delegates from Virginia and the Carolinas, and for the first time in American history the dominating thoughts of the hour were made known to all the people of America. Popular approval of the acts of this Congress was shown by the re-election of most of the delegates to attend a second Congress, which met at Philadelphia on the 10th of May, 1775. The majority of these delegates were chosen in conventions called for the purpose; the minority were chosen by the members of the assemblies. The manner of choosing delegates deserves more than passing notice. The convention is peculiar to American political history. Here it originated and here it remains, an instrument in popular government used to ascertain the will of the people. The convention is representation applied to party politics, as the legislature is representation applied to civil affairs. In our day it is the recognized means for nominating party candidates, for ascertaining the bearing of party ideas, and for uniting all the forces of the party in one purpose at one time. At critical times in the history of a state a convention is assembled to frame a new constitution of government, or amendments to the old one.

The acts of the second Congress, being national in character, were of wider application than were the acts of the Congress of the previous year. The people had approved the course of the first Congress, and had given themselves over to the Revolutionary cause. Resting on the popular will, the second Congress assumed control of affairs by a series of acts which condemned their authors as conspirators and traitors or exalted them as patriots. They proceeded to

regulate commerce; to provide funds for a national government; to create executive departments of state, of the war, of the navy, and of the post-office; and to crown all their acts, they issued the Declaration of Independence. The validity of all these acts rested thenceforth on the events of the war. If the people would fight for the principles of the Declaration of Independence, and if the American armies triumphed, then must Great Britain and other nations recognize the independence of the United States.

The standing armies of the nations of the world to-day demonstrate what confidence exists between nations in the notion "that the mission of man is peace." A century has not changed the essential principles of nationality which were so closely examined at the time of the American and French revolutions, namely, that the condition of nationality is one of armed protection; for no nation will keep its treaties unless it is compelled to, and no nation will compel the keeping of a treaty which is not to its own interest. Arbitration means compromise, and its methods are as old as disputes among men; but arbitration between nations is improbable, and scarcely possible, unless they are of equal power. It would have been impossible to arbitrate the difference between the colonies and the home government in 1776. No government can arbitrate with rebels, and the Americans in 1776 were rebels. If successful, they became revolutionists and founders of a new state, makers of a new nation. Arbitration was possible after the definitive treaty of peace, not before. The dispute about the taxing power had gone beyond the stage of declaration of rights, of petitions, of expostulation; the differences between the Americans and the English government touched on the vital principles of that government, its right to tax its citizens. The right was not disputed as an abstract right in government; the dispute suddenly became of uncompromising difficulty,—which government shall tax the Americans, the English government or one instituted by the Americans themselves? War, and war only, could decide this question.

The delegates to the second Congress were not chosen directly by the people; but as we now choose the President

of the United States, by an indirect vote of the electors. The electors choose the members of the conventions or the members of the assemblies, and the conventions or the assemblies choose the delegates to Congress. It will never again be possible in America to enter upon the foundation of government in so indirect a manner as was followed in 1776. It was then thought that such a system must result in the choice of the best men, the idea prevailing that the masses of the people were incapable of deciding for themselves what was for their own interests, and therefore an intermediate body, acting as a discriminating committee, would choose most wisely. There seems to have been no organized opposition to the application of this idea in American civil affairs until nearly forty years after the national Constitution was made, and nearly fifty years after the Declaration of Independence was issued.

In the application of this indirect method of obtaining the will of the people, it followed that the control of public affairs fell into the hands of a few men best known to the community, to the state, and to the nation.

Under the administration of this system there were no dark horses in American politics. There were few obscure men in the early congresses. There were delegates more widely known than others, as Franklin and Washington and John Hancock were more widely known than Willing or Hall or Bland; but not one member of the Congress was without reputation in his own community, nor wholly unknown throughout his own state.

The process of selection incident to the indirect choice of delegates doubtless resulted in a more able gathering of men than could have been made by the modern system of party organization, which usually effects the election of the man whom the machinery of party politics may take up. The essential difference between the politics of that day and of this is the difference between individuals and party organization; then individuals got along without parties; now parties get along without individuals; then the man was chosen because he was known as pre-eminent in civil affairs, or as capable of pre-eminence; now the man is chosen because he stands for the accepted doctrine of an

organized party, is the concrete expression of that party, and loses his identity in that party.

A later democratic revolution, that of 1825, overthrew the indirect method of electing public officers in this country. Up to that event the colonial and English, indeed a federalistic, notion prevailed that the people as a mass were incapable of government, and therefore representatives of the people should be indirectly chosen. But somewhat paradoxically, the results of the democratic revolution have not been wholly democratic, but have resulted in the creation of a party power which quite as seldom represents the wishes of the individual electors as did the indirect choice of public officials a century or less ago. The convention, which was devised by Americans as a means to an end, has become the end itself, and scarcely an office of importance in state or nation can now be obtained without first winning a convention. So complete is the change, that an elector to-day seldom thinks of voting against the candidate for the presidency who has received the nomination in a convention of the party to which the elector belongs, even if the nomination does not fully please the elector. A slight examination of present politics will illustrate how little, after all, is the difference between the manner of choosing delegates to Congress in 1776 and at the present time. The application of the representative system to politics, as well as to government, must take from the people the direct control of public affairs. Whatever system of electing officials in a representative government might be followed, that system itself would ultimately illustrate the representative idea. The most democratic government in the world could not exist without the machinery of this representative system. The control of government must of necessity fall into the hands of a few men.

Let no one imagine that bossism in politics is a modern American disease. Bossism is the name of a system of representative government abused. In a republic like our own, in which the people care more for material welfare than for forms of government or for politics, bossism as an evil is yet in the infancy of its history. The representative idea in government is good if well applied, but extremely

dangerous when ill applied. The struggle for wealth dulls the caution of the citizen so that he delegates his political power carelessly, or even with a feeling of relief. Caring little for government or politics himself, he cannot expect that his deputy and representative will care more. Bossism becomes a fact when the electors are indifferent to whom they delegate their political powers. The abuse of the representative system springs naturally from indifference and the neglect of the electors to give personal attention to their political rights and duties.

The delegates to the first Congress probably represented the people of their day as closely as do our representatives in Congress at the present time. If the whole list from 1774 to 1789 be scanned, there will be found on the roll the name of almost every distinguished man in America at that time. Not all members of the Congress of the confederation nor of the Congress before the confederation were "giants in those days." It has become common to speak of these early congresses as composed wholly of such men as Jefferson, John Adams, or John Jay. This is a mistake. There were pygmies among the giants; and there has been an exaltation of the giants and an utter oblivion of the pygmies.

Of the public men of the Revolutionary period, from 1765 to 1789, a period of a quarter of a century, the number perhaps reaches three hundred, eminent both in state and national politics; but of that three hundred, or less, not above fifty can be classed with the leaders of the time in Europe or with the leaders of subsequent critical periods in our own history. Of these fifty, we have named the greatest when we name Franklin and Washington, Jefferson and Hamilton, Madison and Marshall, Morris and Adams, Rutledge and Jay. In the thirteen state legislatures was a body of men in training; in Congress, the majority of delegates were men who may be described in the language of politics as safe men. But the great leaders soon left both assemblies and Congress, and became actively engaged with Washington in military affairs or with Franklin in the diplomatic service. The daily civil tasks of the Revolution were performed, as they are always performed in government,

by industrious men quite unknown to fame. As the character of the Revolution is more perfectly understood, the work of the American patriots is not seen in diminished luster. They did what they did in conformity with the course of their own experience as colonists, and perhaps with illumination from such political writers as Montesquieu, John Locke, and John Milton. They laid down the principles of government with a precision almost axiomatic; this was their work in the world. But their failure in the administration of government was almost as remarkable as their success in fixing its political principles.

Our age is the age of the administration, not of the foundation of governments. Nor have our legislators yet succeeded in determining the axioms of administration. The American Revolution probably settled forever in this country the principles on which government is founded, but it settled nothing in the administration of government. We shall soon discover, in our brief examination of the conduct of public affairs by the Continental Congress and by the Congress of the confederation, that never in the world's history, in a government of intelligent men, was there a worse administration of public affairs than in America from 1776 to 1789. Administration, as we now understand that term, was to the early American legislators and their colleagues in office a word of almost unknown meaning. There were men, few indeed in number, who understood the meaning of the term, but, like Hamilton, they were admired rather than followed. The whole effort of administration in the confederation broke down at last; nor was it till Hamilton, a master of administration, had become Secretary of the Treasury under the national Constitution that the transition was made from the Revolutionary period of the formulation of governmental principles to the national period of application of those principles to the welfare of the nation.

We do not wrong the memory of our fathers if we discover in their work an almost unavoidable incompleteness. They could, and they did, found a government, but they could not succeed in administering it as it was organized under the Articles of Confederation. Nor was their failure

conspicuous or solitary in that age of the world. Neither England nor France succeeded so well, either in the founding of governments or in the application of political principles, as did the members of the American congresses from 1774 to 1789. The effort of England in administration is told by one of her most eminent public servants and historians, Sir Thomas Erskine May; and the struggle of France, both in founding governments and in attempting to administer them, may be traced in the confessional memoirs of Talleyrand, who participated in them as did no other Frenchman. The period of the American Revolution was the age of constitution-making; of the founding of states, and of the declaration of the principles of government. The course of events on this continent was only one part of that larger action going on throughout the world, the establishment of representative government. But the chief characteristic of the whole age was the determination of the principles of government, not the determination of the best administration of government. That is the chief problem of the age in which we live.

The second Congress, like its successors to this day, was a national body of delegates. The Declaration of Independence was "of these united colonies." The states were free and independent in their unity. No individual colony claimed a separate act of independence from Great Britain. The instrument of formal separation uses the expression, "the good people of these colonies," as descriptive of one sovereign, political body of society—the people of the United States. Three states, South Carolina, New Jersey, and New Hampshire, adopted their first constitutions before the Declaration of Independence was issued. The first Congress, on the 3d of November, 1775, had recommended that the colonies, pending the dispute with Parliament, "should organize such governments" as would "best promote the happiness of the people"; but the governments so formed were provisional in the first two states that acted; in New Hampshire, which framed a constitution at Exeter, on the 5th of January, and New Jersey, which, on the 3d of July, 1776, issued a constitution of government with this clause: "Provided always, and it is the true intent of this

Congress, that if a reconciliation between Great Britain and these colonies should take place, and the latter be taken again under the protection and government of the crown of Great Britain, this charter" (that is, the New Jersey constitution)* "shall be null and void, otherwise to remain firm and inviolable." From the language of this clause it is plain that New Jersey did not claim separate independence, but that the action of the state depended finally upon the "reconciliation between Great Britain and these colonies." The Declaration of Independence itself is a compend and résumé of various earlier declarations and resolutions, made either by the first Congress or by conventions and assemblies in various colonies. It presents in a simple, brief, and orderly manner the common opinion of the people and its provisions, now somewhat obscure, evidently illustrated and explained incidents familiar to the public mind. Perhaps no state paper in American history is more famous, and no state paper of the Revolutionary period is more obscure.

Virginia, on the 29th of June of the year of the Declaration, had issued a declaration affirming that "the government of this country, as formerly exercised by the crown of Great Britain, is totally dissolved." The phrase "government of this country" referred to the colonies as a unit, and not to the state of Virginia alone. It is just to conclude, therefore, that the separation from Great Britain was not a separation by individual states, but of united colonies. The people as a political unit, as a nation, formed the separating mass, elected delegates to a national congress, and inaugurated a national government. The struggle between people and king and people and Parliament won a vaster triumph than mere popular representation in a colonial assembly. The victory had been nearly won in the several colonial legislatures, but it was incomplete until the national government was established. At the time when the Declaration of Independence was issued, neither the people nor the leaders saw clearly the ultimate consequence of their act, and but few of the greatest minds saw the consequence near at hand. There existed a strong anti-revolutionary feeling in the colonies, which the British government failed

* 1776-1844.

to nourish into a political party, but which unorganized was still strong enough, had a full vote been polled on the question of separation from Great Britain, to have held the balance of power. But the friends of king and Parliament were at the negative pole of events; the friends of independence were radical in their ideas and aggressive in their acts.

An examination of the age of the men of the Revolution discloses, what all revolutions disclose, that few old men took an initiative and active part in the movement. Franklin will at once come to mind as an exception, but Franklin was a peculiar man, and not a type of the men of his generation, or indeed of any other. At the time when the Declaration of Independence was issued he was a little past seventy years of age, a time of life when the few who reach it are only too willing to retire from active pursuits, when the body is usually feeble and the mind is in sympathy with the body. But Franklin at seventy was still a young man. He never became old, like most men, for throughout life he assiduously cultivated the society of the choicest youth whom he could gather about him by the pleasing attractions of a winning manner, an inexhaustible information, and an incomparable wit. He represented every generation that had come upon the stage during his time. He lived in the present, and unlike other men of his years, he looked into the future. He was fond of new things, yet never a radical; he was Socratic in his wisdom, yet never a pedant.

He had differed from the Society of Friends in opinion, and had opposed them in the management of affairs in Pennsylvania. He had argued against the treatment of the colonies by Parliament at the bar of the House of Commons, and with members of Parliament at their homes; yet he had intimate and devoted friends among the Quakers and among the leaders of both houses of Parliament. He had long been known to the world as a philosopher, yet his whole philosophy is the present-day wisdom of common sense which everybody delights in and few possess. He assiduously applied himself to the solution of the immediate questions of the day and to the exposition and satisfaction of the immediate wants of man. His keen, practical mind

detected the signs of the times, and identifying himself with younger men, he easily directed them by his counsel, while they imagined that they were using his name in furthering their political schemes or their individual ambition.

When the hour of the Revolution struck, Franklin was ready, calm, confident, discerning, philosophical, surrounded by the choicest youth of the city of his adoption, and by the ardent spirits of all the colonies, who doubtless would have acted without him, but who harmoniously acted with him. His whole career as a leader in the Revolution was in perfect keeping with his course of life as a citizen of Philadelphia for half a century before the Revolution came. Of all the men who bore a part in the great events of that age, in Franklin, more than any other, was the embodiment of the highest type of colonial America. He stood for colonial experience, and colonial experience was the finding of the principles of representative government. A century of struggle for popular rights had preceded the calling of the second Congress. As the struggle assumed national proportions, one by one those who had enlisted in the popular cause fell away. It was reserved for Franklin, the son of an obscure candle-maker of Boston, to come at the last, when the forensic battle had become a contest of arms, and to aid the youth and middle-aged patriots of 1776 to organize a government on the liberal principles for which the colonists had so long contended. And when peace came, Franklin, still spared for greater service to his country, gave the full strength of a life culminating in benefits to his race to the establishment of more perfect union and the making of the Constitution of the United States. In Franklin the old and the new met; the experience and the aspirations of colonial days, and the possibilities of the new nation, founded on the firm basis of representative government.

Of Franklin's colleagues in the second Congress, Washington was at the age of forty-four, and Jefferson ten years younger; John Adams was forty-one, Robert Morris a year his senior; Roger Sherman, fifty-five. But among his contemporaries were young men who were destined to lofty

services to their country, both in military and civil life. When Franklin and Sherman and Adams and Jefferson affixed their names to the Declaration of Independence, Madison was but twenty-six, Rufus King twenty-one, James Wilson thirty-four, and Alexander Hamilton scarcely nineteen. These younger men, and others less famed, were soon to be associated with Franklin and Washington and Sherman in Congress, and later, in that unrivaled gathering of statesmen who gave to the world the Constitution of the United States. Much of the vigor of thought and of language in the political literature of the Revolutionary period is explicable when we consider the significance of the principles involved, and the age and temperament, the education and surroundings, of the orators, the writers, the pamphleteers, and the chroniclers of that day. The glory of nationality appealed to such different minds as that of Adams, of Sherman, and of Jefferson.

To Franklin, independence and nationality came as the fruit of a tree long since planted in America, the ripening of events steadily moving forward to this consummation. To the ardent mind of Hamilton, nationality was the new-found opportunity of civilization and the fair realization of ideas more pleasing than even philosophers had seen in their visions of a perfect government. To the people at large, nationality was only a name for a deflection of taxes for local purposes as their representatives might choose. Less wrought up than their leaders, the people followed Congress; but as times darkened into days of defeat, of annihilation of credit, and of civil confusion, the people followed Congress at an ever-increasing distance. If the people suffered, they blamed Congress. If victory was won, they forgot Congress, and remembered only the soldiery. The states, having quickly reorganized their civil affairs on the colonial model, made clearer distinctions between the divisions of government than had before prevailed, but each followed the threefold division of powers.

With this precedent before Congress, it is, at first thought, strange that it erred so seriously when it organized the confederation. But the confederation was an experiment. On the 11th of June, 1776, Congress ap-

pointed two committees, one to frame a declaration of independence, the other to draw up a plan for a general government. The report of the first committee was favorably, almost unanimously, received, and after slight modifications of Jefferson's draft, which was the report of the committee, it was adopted, and published on the 4th of July following as the unanimous declaration of the delegates. On the 8th of July, the committee on the Articles of Confederation brought in its report, but nearly five years passed before the articles proposed were adopted. As the states, when they took up civil government, had organized under state constitutions closely following colonial precedents long familiar, so the committee on the Declaration found a common stock of grievances, and expostulatory resolutions from town political clubs, from conventions in remote corners of the states, from legislatures and assemblies, from congresses of states, and from the first Congress of the United States.

These complaints were so well known to the committee that it seems to have turned over to Jefferson the consideration and expression of a matter of such common report, practically withdrawing their several sketches of a declaration. When the committee brought in its report, all the delegates knew what to expect, were familiar with the grievances from their own several states, and were satisfied when they found them mentioned in the report. But on one subject the delegates from Georgia went into opposition; slavery and the reference to its abolition must be left out, and it was left out. It is to be noted that the Declaration is a general statement of principles of representative government, on which the members had a vague unity of sentiment. This formulation of abstract principles of government provoked little debate in Congress. There was a brief debate, but it was not concerning the principles of the Declaration, but the expediency of issuing it at that time. That the united colonies should be free and independent every man in the Congress believed; and in the prevailing atmosphere of liberal principles no delegate seriously disputed that all men are born free and equal, however much division of sentiment might be latent in the Congress on the meaning of the words.

The Declaration created no offices, laid no taxes, appropriated no moneys, and advocated the political ideas of no party. It was a grand, and as many believed, a philosophical statement of fundamental principles assumed to be self-evident and axiomatic; and there was little more opposition to it than would now arise were the delegates to a convention of men interested in the advancement of science to draw up a statement affirming the doctrine of universal gravitation. To reject the Declaration would have been to deny the common opinions, not alone of the people of the United States, but of the foremost thinkers of the eighteenth century, who were rapidly concluding that the principles advocated by the Declaration must be considered at last as settled. The report of Jefferson and his committee passed Congress, was issued to the world as the fundamental notions of representative government, was received by the people with approval, and by the world at large as an intelligible summary of fundamental principles of free government.

But not much harmony prevailed when the Articles of Confederation were brought in. They touched on the administration of government, and on the administration of government no two delegates agreed. The committee had found no precedent or model in any of the colonial or state governments. It was perhaps thought that to confederate on the basis of any particular state would be practically to antagonize the remaining twelve. The articles, therefore, exhibit the original powers of the delegates in constructing a government without a precedent. Even the most fundamental notion of English experience for a thousand years and of American experience for a century and a half—the division of government into three departments—was ignored. A form of government was devised which found none to admire it when first proposed, which won no friends during its troubled existence, which was accepted by the states without enthusiasm and ignored by them with impunity, which passed through every phase of neglect and contempt, and at last expired, without a sufficient representation of its adherents to send forth to the world a mortuary notice. On the 15th of November, 1777,

the Articles of Confederation, which for more than a year had been debated by Congress, at irregular intervals, were passed by that body, and sent to the state legislatures for adoption. Before the end of July, 1778, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia adopted them; New Jersey followed in November, Delaware in 1779, and Maryland in March, 1781. New Hampshire never adopted them.

The plan of government outlined by the articles was without precedent, and it is still without similitude in the governments of the world; yet it is necessary to understand its scheme in order to understand the causes which led to the formation of the Constitution of the United States. The confederation was suggested by Greek models which had existed for brief periods among the Mediterranean cities; but it lacked that significance which occasional Greek conservatism imparted to those feeble unions. No government was ever modeled upon the confederation; the nearest approach being the Southern Confederacy of 1861.

Congress having submitted the Articles of Confederation and perpetual union between the states as a basis for a national government, seemed little aware of the feeble government which it was attempting to set up. There were men in Congress who knew, as all the world now knows, that such a government was an anomaly and a bold fiction, and they have left on record their doubts of its efficiency, which were formed at the time of its inception. During the five years of its journey through state legislatures, the plan was a constant confession of impotence and inadaptability to the needs of the country; but when first proposed it was quite confidently supposed by the majority of the delegates to Congress to be adapted to the welfare of the states.

The fate of the articles emphasizes a principle in government—that it is not safe in organizing a new frame of government to break with the past and to trust too much to mere experiment. The articles were a compact between the states, and the confederation was styled “The United

States of America." Each retained its sovereignty, freedom, and independence, and every power not expressly delegated to the United States in Congress assembled. The states entered into a firm league of friendship with each other for their common defense and general welfare. The free inhabitants of each were entitled to all the privileges and immunities of free citizens in the different states. No state was to impose discriminating restrictions on the trade or commerce of another which were not imposed on its own citizens. No state was to tax the property of the United States. Fugitives from justice, meaning by that phrase criminals and fugitive slaves, were to be given up, wherever found, by the authorities of the state in which they were found, and full faith was to be given by every state to the records, acts, and judicial proceedings of any other. Congress was to be composed of at least two and not more than seven delegates from each state, appointed in whatever manner the legislature might determine.

It was to meet yearly, and each state represented was to have one vote. No person could serve as a delegate for more than three years in any term of six. No state, without the consent of the United States in Congress, could send or receive any embassy, nor make a treaty with any power, nor lay any duty or impost which would interfere with any stipulations in any treaty entered into by the United States; nor could any state keep bodies of troops or vessels of war in time of peace, except its own militia; nor fit out privateers, nor engage in war, without the consent of the United States. When land forces were raised by a state for the common defense, all officers of the rank of colonel and below it were to be appointed by its legislature. All common expenses were to be defrayed out of a common treasury, which was to be supplied by the legislatures of the states in proportion to the value of private lands in each; but the legislatures had the exclusive right of laying and collecting the taxes and the proportional amounts to be paid to the United States. The taxing power was carefully kept in the control of the lower house of the state legislatures.

Congress had the sole and exclusive power to declare war

and to make peace, but no treaty could impair the right of a state to lay duties and imposts. Congress had power to send and to receive ambassadors; to establish rules for the disposition of captures and prizes made in war; to appoint final courts of appeal in cases of captures; to be the court of last resort on appeal in all disputes and differences, in certain cases, between two or more states; to regulate the value of all coin struck by the United States or by a state; to regulate trade with the Indian tribes, provided the legislative rights of every state within its own limits were not infringed; to establish and regulate post-offices; to appoint all officers in the land forces of the United States, excepting regimental officers; to appoint all naval officers; to make rules for the government of all these forces; to appoint a "committee of the states" to sit in the recess of Congress; to appoint its president; to ascertain the necessary sums of money to be raised for the services of the United States, and to appropriate and to apply these sums for defraying the public expenses; to borrow money; to build and equip a navy; to agree upon the number of land forces required, and to make requisitions from each state for its quota, to be binding upon it.

The consent of nine states in Congress was necessary to enable the United States to engage in war, to grant letters of marque or reprisal, to make treaties, to coin or regulate the value of money, to ascertain the sums necessary for public expense, to emit bills of credit, to borrow or to appropriate money, to create and equip a navy, to raise land forces, or to appoint a commander-in-chief. On all other measures, except a question of adjournment, a vote of the majority of the states was required. Each was to abide by the determination of the United States on all questions which by the terms of the articles were submitted to them; the articles themselves were to be inviolably observed by every state, and the Union was to be perpetual. Nor could any alteration at any time be made in any of the articles unless such alterations were agreed to in Congress and afterward confirmed by the legislature of every state.

As there were but thirteen votes in Congress when

every state was present, and the vote of nine was necessary on every essential measure of government, it followed in the administration of affairs that the vote of a few men, as that of one delegate in each of five states, could determine the fate of a proposed bill. The number of delegates from each state was not large, on account of the expense to the state of maintaining them; and it often happened that for months a state would have but two in Congress, and often none at all. A few men, either absenting themselves or co-operating as obstructionists, could successfully oppose the most important measures at the most critical times.

The confederation, as an effort toward a national government, set at defiance all precedents of practical civil organization and administration. Executive, legislative, and judicial powers were confused, or, more correctly speaking, were wanting. The power which had given force to the general assemblies of the colonies—the power to lay taxes and to appropriate moneys—did not exist in the confederation. It could not levy a tax, and the right to levy taxes and the exercise of that right are distinguishing marks of sovereign power: they are the rights which distinguish a government from an individual.

The president of Congress was the speaker of that body, chosen from its own number, but no executive authority was put into his hands. The feeble judicial system was wholly impractical. Compared with any of the thirteen governments which were asked to adopt the articles, the confederation was only a committee of the states which any one of them might ignore with safety. Had the articles empowered Congress to levy and to collect taxes, to pass and to execute all laws necessary and proper for the public welfare, the confederation would be classed among the imperfect governments of the past. Constituted as it was, it cannot be called a model government.

It lacked the essential elements of sound government. No supreme power had created it, nor had the supreme power of the people put it into operation. It might request, as it did request, the states to furnish their quotas of men and money, but it could not compel the weakest of the thirteen to furnish a penny or to send a man into the field.

It could not compel obedience, for it lacked that sanction which makes government a reality in the world. It could not act directly upon individuals; it operated, if at all, through the agency of civil corporations, the states. The confederation was only a league, or treaty, agreed to by the contracting parties, the states. It was a compact to which a state was amenable only to that degree and for that time which it might determine. There was no reference whatever in the articles to the idea of nationality; there was none whatever to the people of the United States as a national unit, a political entity, as the source of authority; there was no provision for national citizenship. Every American was first a citizen of his own state. He knew nothing of a distant national citizenship; it had not yet been defined.

Of the states as parties, the articles spoke repeatedly; of the individuals who composed the states, they said nothing. In it the states alone were addressed; to them it turned for all supplies. It had no power to compel individuals to minister to its wants. Nor had it power to punish offenses against its own authority expressed in its requests. If the commander-in-chief of the army should commit treason and fall into the hands of the confederation, Congress had no power to try, much less to punish him. It knew nothing of the people, and the people knew nothing and ultimately cared nothing for it. Its delegates were not chosen by them, but were appointed by the state legislatures, usually in joint ballot of both houses. If paid at all, they were paid by the states. The whole range of the confederation, in political or civil fields, was merely speculative and by sufferance of the states. Without qualifying the description, the Congress of the confederation cannot be called even a committee of the states. If it was authorized to borrow money, it had no ability to pay the debt; if it could emit bills of credit, it could not be compelled, nor could it compel any one, to redeem them. Its attempts to perform the work of a real government were, therefore, largely futile. If it sought to legislate, it had no authority to execute its laws; if it sought to adjudicate a dispute, it had no power to enforce its decrees.

Thus the states, possessing all the powers of government, soon wholly ignored the confederation, their executives, their legislatures, their courts discovering its weakness and defects. It was conceived wholly at that time of the conduct of the war when patriotism and popular enthusiasm would support, as they have often supported, a voluntary committee of citizens acting on behalf of the people for the success of fundamental principles of government. But as enthusiasm died away and bitter daily experiences made patriotism a costly sacrifice, it was found that the administration, rather than the principles, of the government would decide its fate. This anomalous body, "the United States in Congress assembled," was the first effort toward an administration of the principles of the Declaration of 1776. As in its formation it discarded political experience, so it met with the unhappy, but necessary, consequences of so serious a neglect. The feeblest state of the thirteen possessed civil authority; "the United States in Congress assembled" possessed little.

Yet this shadow of a national government was not so impalpable, so visionary, so insignificant as a hasty analysis of it at this distance of time might tempt us to believe. With all its functional defects, it was to foreign powers the government of the new nation. It sent Franklin and Adams and Jefferson to foreign courts, and there borrowed large sums of money for carrying on the war. It made alliances, offensive and defensive, with the proudest nations of Europe. It persuaded "his most Christian majesty" to send both money and soldiers to aid the American cause. Nor was this persuasion made without the opposition of influential ministers who had the royal ear. Talleyrand tells us that he thought the French alliance with the United States a mistake, and both he and Turgot advised the king against it. This Congress of the confederation was despised at home by states that were not known diplomatically abroad. To Europe, and perhaps to Europe only, did this feeble Congress represent the latent nationality of the people of America.

The war had continued five years before the articles were adopted by the states, and two years after their adop-

tion the treaty of peace was made. In order to understand the critical condition of affairs during this time, it is necessary to glance at their administration, both by Congress and by the legislatures of the states.

If the theory of the confederation seems defective upon a cursory examination of the articles, its defects and their consequences become more serious when the articles are subjected to the crucial test of practical administration. To the several states, as to the courts of Europe, the confederation was a foreign government, and members of state legislatures repeatedly so described it. Every legislature viewed with grave suspicion any act passed by "the United States in Congress assembled." No living soul was responsible to Congress save that small body of men whom it had sent to foreign courts. In the legislatures, suspicion of Congress turned into contempt. The system of representation in the articles ignored population and gave as much authority in the Congress to Rhode Island as to Virginia, and Virginia at that time was as large as the New England states, New York, New Jersey, and Delaware combined. But this inequality in representation was not the chief defect in the articles.

Congress could not by its own authority raise a revenue. It was less powerful than the assembly of any state for the rights of whose people the war was raging. If the assemblies chose not to send a quota to Congress, it must do without money, or obtain it by borrowing. In 1776, buoyed up by popular enthusiasm for the Revolutionary cause, the Congress boldly "voted supplies" which the states were to furnish. But the states did not furnish them promptly. Two years later Congress "urged supplies," but the state legislatures failed to send them. Excuses were more numerous than the houses of assembly or their membership, but the chief excuse was the expense necessary to be met by the state for its own defense. A deeper reason may be found. The people were burdened by war taxes, which were far higher than any taxes known under the colonial régime. Business of all kinds was interrupted, and of many kinds wholly destroyed. To be doubly taxed, by state and by Congress, was an administration of affairs highly unpopular.

When the year of grace 1780 had come, both Congress and the states had passed beyond any dependence on direct taxes and had begun to use their credit. We know that no problem in the practical administration of public affairs is more delicate or more important than the use of public credit. Gold and silver had disappeared from general circulation, and state legislatures and Congress began to issue a paper currency.

On the 11th of November of this year, the four New England states and New York sent delegates to a convention at Hartford. Financial and commercial dangers thickening on every side were admonishing thoughtful men that the welfare of the nation depended upon the laying of some foundation for a safe system of finance, by providing taxes or duties which should produce a fixed and inalienable revenue to pay the interest on the funded public debt and make possible future loans. The attempt to determine the value of private lands had failed. It seemed, therefore, necessary that Congress should be empowered to apportion taxes among the states on the basis, not of land, but according to their number of inhabitants, both black and white.

The Hartford convention of 1786 made a brief discussion of these grave propositions, and issued a circular letter to the states: "Our embarrassments arise from a defect in the present government of the United States. All governments suppose the power of coercion; this power, however, never did exist in the general government of the continent, or has never been exercised. Under these circumstances the resources and force of the government can never be properly united and drawn forth. The states, individually considered, while they endeavor to retain too much of their independence, may finally lose the whole. By the expulsion of the enemy we may be emancipated from the tyranny of Great Britain; we shall, however, be without a solid hope of peace and freedom, unless we are properly cemented among ourselves." But the wise opinions of the convention, sent to Congress, to Washington, and to every state legislature, and though tending as they did to aid the sentiment for a more perfect union, scarcely colored the prevailing opinions of the day. Pennsylvania, New York,

and New Jersey substantially approved its proceedings, but no state alone, nor all the states together, at this time could have so changed public opinion throughout the country as to clothe Congress with adequate powers, unless by a reorganization of the government on a national scale. Few people at the time knew anything about the Hartford convention. Little concerning it can be found in the newspapers of the time, or in the records of the old Congress, or in those of the state legislatures. The administrative principles of government, which the Hartford circular emphasized, were too subtle for the masses, but the convention itself was evidence that thoughtful men in America had detected the essential and fatal weaknesses of the confederation long before it was adopted by the states. It was the recognition of these weaknesses which led to the formation of a more perfect union; but before we can understand the scope and nature of this great reform, it is necessary to possess a more complete knowledge of the administration of government under the confederation and of the causes which compelled its abandonment.

The change from colonies to states was easily made. The people had long been accustomed to elect their assemblies, and in Rhode Island and Connecticut to elect their governors. Elsewhere the governors had been appointed by the king. The judges were appointed by the governors. Before the second Continental Congress met, the revolution in Massachusetts had progressed so far that the province was already a state in fact, if not in name. It refused to acknowledge the authority of General Gage, yet it hesitated to organize a state government without the moral support of the whole country. It therefore asked Congress what to do, and that body, with proper caution, advised the province to organize a temporary government on the plan of its first charter, till King George should restore the old government. They acted on this advice, elected a governor, and practically organized a state government which, with few changes, has continued to the present time. Much the same thing was done in other colonies.*

*For an account of the transition from colonies to states, see the *Constitutional History of the American People, 1776-1850*, Vol. I, Chapter IV.

Before the Declaration of Independence was issued, every colony had declared itself a state, and all except Massachusetts, Connecticut, and Rhode Island had adopted written constitutions. Massachusetts adopted one in 1780; Connecticut and Rhode Island continued their charter governments, the one till 1818, the other till 1842. Now, each of these constitutions embodied the colonial government as it was in 1776. The principal change was in the executive. He was henceforth elected, and except in New York and Massachusetts, by the assembly. He, with the consent of the assembly, usually the upper house, or senate, appointed the judges, so the people had the government to some extent in their own hands at last. At first Georgia and Pennsylvania had no upper house, but they soon added one. This upper house, known by various names, was something new. It was created as a check on the lower house.

Some of the states were very large, but the power of a state consisted in its population and taxable wealth. The assembly had exclusive and ample power of taxation. The chief source of revenue was the land. To-day, one of the chief sources is corporations, such as railroad, steamship, canal, telegraph, and telephone companies. None of these existed in the eighteenth century. The burden of the support of government fell on the land or on persons. There was a poll-tax in New Jersey, Pennsylvania, and Delaware, but it did not produce much. Taxes in early colonial days, when money was scarce, were payable in produce; for instance, in barrel-staves, hides, rum, or tobacco. The states at first collected their taxes in money, but early in the war produce was accepted. Many a farmer paid his taxes with corn, oats, beef, butter, hay, or salt. The collector would sometimes sell this produce in open market, or turn it over to the military authorities for the use of the army.

The Congress of 1775 consisted of men chosen by the assemblies to meet in Philadelphia and to consult for the general welfare. They had no authority to make laws or to bind the states. But, as has already been shown, they became convinced, in the spring of 1776, that nothing short of independence was possible. But independence meant

some kind of a union or league. Each state claimed to be free and independent, and this claim must be recognized in any union. When Congress elected the committee to draft a declaration of independence, it elected another to prepare articles of confederation. The two committees had very different tasks. The first was easy, the second difficult. There was all the difference between a statement of ideas and the organization of a government. Now, government is public business conducted by authority; it rests on the will of the people, and is supported by taxation. There was no provision for a tax in the Declaration of Independence.

There were other difficulties. The states were unequal in size, wealth, and population, and some scheme must be devised to equalize the burden of a union, or it could not be formed. But the committee on a constitution, as the articles may be called, reported in July, 1776, having made free use of Franklin's plan of union, which he had laid before the Albany Congress in 1754, and which, in a modified form, he presented to Congress in 1775. He now was present as a member from Pennsylvania. His plan and one based on it, by John Dickinson, were duly considered, were laid before Congress, and discussed at various times for nearly a year and a half, when, on the 17th of November, 1777, the articles as approved by Congress were sent to the assemblies for adoption.

For three years, 1777-1780, the articles were debated by the assemblies. It soon appeared that they would never be adopted unless in some way the states were willing to become more nearly equal one with another, not in population, but in area. The difficulty was ancient and great. New Jersey, Delaware, and Maryland were as large then as now. They had no "western lands." All the others claimed immense areas beyond the mountains, and chiefly by their charters, which extended their boundaries from the Atlantic to the South Sea, which meant in sober language, after 1763, to the Mississippi River. The articles had no sooner come before the New Jersey legislature than several amendments were proposed, of which the most important required that all western lands claimed by other states should be ceded to Congress as the common land or

public domain, to be used to pay the cost of the war and the debts of the United States. Maryland and Delaware insisted on the same modification.

The substance of the argument for the cession was that the western lands, comprising practically the "Indian Country," by the king's proclamation of 1763, had never belonged to England till ceded by France, at the conclusion of the French wars. Therefore they were "crown lands," belonging to the states in common, and should be used for the benefit of all. Maryland firmly insisted on the cession, and refused to adopt the articles till the states claiming western lands would promise to cede them. At last, after three years of discussion, these states yielded. New York and Virginia agreed to cede, and Maryland instructed her delegates in Congress to sign the articles. This they did March 1, 1781. The other states had already signed. The approval of Maryland put the articles into effect, and was celebrated by the thundering of cannon and ostentatious public ceremonies. The news was officially given to the army and to foreign countries. On the following day, the Congress of the confederation began. It was the same Congress as before, but the thirteen states now were pledged to union. By the time the articles were adopted, the war was nearly over. During their discussion before the assemblies, public affairs had become more and more complicated and sadly mismanaged. It was hoped that under the articles this might be remedied.

But the articles were remarkable for what they did not contain. They gave Congress no power to levy a tax, to regulate trade, or to enforce ordinances. They established no executive or judiciary, other than Congress. They made Congress entirely dependent on the assembly. They did not give Congress exclusive control of public finances. They confused the powers of government by making Congress the legislative, the executive, and the judiciary. These and other defects were soon recognized.

Though these were articles of union, the assemblies were the sources of all supplies to Congress. Long before the articles were adopted, Congress began the practice of apportioning what it needed among the states, on the basis

of population and wealth. The states had, therefore, two amounts to raise by taxation: the state tax and the tax for the quota to Congress. If a state should refuse to send its quota, as New Jersey did in 1785, Congress had no power to enforce payment. The states, therefore, possessed the two principal powers of government: the power to levy and to collect taxes, and the power to regulate trade. Both Congress and the states had the power to issue paper money, called "bills of credit." It followed that the United States had fourteen kinds of paper money from 1776 to 1789. One reason why Congress issued so much paper money, called "continental currency," or briefly, "continentals," was the neglect of the states to furnish their quotas.

Though forbidden by English law to coin money, and strictly speaking, to issue paper money, the colonial legislatures had issued much of it, but rarely had it been at par. It was called "proclamation money," because its value was so frequently regulated by law. When the war began, Congress promptly issued two million dollars in paper money and declared that the states would redeem it. This was in June, 1775. The congressional issues piled up fast. In 1775-76-77 they aggregated fifty-five million five hundred thousand dollars. In 1778 there were fourteen issues, amounting to sixty-three million five hundred thousand dollars. During the first quarter of 1779, sixty-five million dollars were printed, and Congress attempted to borrow twenty million dollars, but no one would lend. The states began heavy issues in 1777, and continental money at once fell below state money, because the states could tax the people and redeem their issues at some price. Congress issued above one hundred and forty million dollars in 1779. Then its money fell so low that "not worth a continental" became a common phrase for worthlessness.*

* In 1779 the value of paper money was shown by a table of estimates, for supplies for the soldiers, presented to the New Jersey Assembly:

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|--------------------------------------|--------|
| Linen for shirts, per yard | 140 s. |
| Hose, per pair | 120 s. |
| Shoes, per pair | 120 s. |
| Blue cloth for coats, per yard | 400 s. |
| Scarlet facing, per yard | 600 s. |

And in 1780 the following prices:

| | |
|----------------------|----------|
| Flour, per cwt. | \$225 00 |
|----------------------|----------|

All this meant that a government cannot give value to a piece of paper merely by calling it money. But the assemblies thought differently, and continued to print great quantities of bills of credit, from 1781 to 1787. People all over the country were infatuated with the idea that more cheap money was wanted. Finally the merchants refused to take it. In 1786, the Massachusetts legislature refused to issue more paper. Rhode Island passed a law to compel people to take bills of credit. The paper money so fell in value that persons in debt took advantage of the fall to pay their creditors. A curious instance of this kind occurred in Burlington County, New Jersey. * Early during the war, a woman sold a farm, to be paid for in installments. The purchaser made no payments for several years, and then paid all in paper money. The good lady went to purchase a calico dress with the proceeds, and gave the whole price of her farm for the dress. In Massachusetts at this time, 1786-87, a civil war broke out, led by one Daniel Shays, who, with his followers, took arms to compel the state not to enforce the collection of debts.

It is evident, therefore, that all through the Revolutionary War the Americans were suffering from a bad financial system. Levi Woodbury, a distinguished Secretary of the Treasury,* estimated in later years that the depreciation of continental money cost the people two hundred million dollars. The loss from depreciation of state issues was probably equally as great.

Congress had no power to regulate trade. It joined with the assemblies in many attempts to regulate prices, but the "valuation laws" failed to prevent speculation or to

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|----------------------------------|-----------|
| Fall fatted beef, per cwt..... | \$ 325 00 |
| Salt pork, per bbl. 200 lbs..... | 1,100 00 |
| Indian corn, per bu..... | 37 50 |
| Oats, per bu..... | 25 00 |
| Hay, per ton..... | 750 00 |
| Salt, per bu..... | 150 00 |
| In 1781, in Philadelphia: | |
| Boots..... | 600 00 |
| Handkerchiefs..... | 100 00 |
| Chintz..... | 150 00 |
| Skein of silk..... | 10 00 |
| Calico, per yard..... | 85 00 |

* 1834-1841.

maintain the paper money at a fixed rate. Each state made its own trade laws, and discriminated against all the others. A coaster from Boston had to pay one set of duties at Philadelphia and another at Charleston. Each state had in effect a protective tariff. Of course this made havoc with trade. States with ports had a natural advantage over states without them. Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, South Carolina, and Georgia had fine harbors. New Hampshire, New Jersey, North Carolina were not so well supplied. Certainly the time would soon come when state discriminations in trade laws would break up the Union. The leading men in the country saw this, and sought to remedy it by giving Congress power to regulate trade, and thus to secure a uniform system for the country.

As early as February, 1781, a month before the articles were ratified, Congress tried to persuade the states to allow it to levy a five per cent tax on imports during the war in order to pay the debts of the United States; another plan, in 1783, was for the states to allow duties to be levied by Congress for twenty-five years, to be collected by state collectors; another plan, in 1784, proposed fifteen years; but the states would not consent. At one time twelve consented, but thirteen were necessary, according to the articles. Rhode Island refused.

On the 21st of January, 1786, Virginia took the lead in a movement that at last fully corrected the evil. On that day, through the influence of James Madison, a member of its house of delegates, it decided to appoint commissioners to meet those from other states and to "take into consideration the trade of the United States." Twelve commissioners from New York, New Jersey, Pennsylvania, Delaware, and Virginia met at Annapolis, September 11, 1786. Among them were Alexander Hamilton and Madison. The whole question was discussed, and it was decided that as all the states were concerned, all should be asked to send delegates to another convention, to meet at Philadelphia on the first Monday of May, 1787, to advise such further provisions as should appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union.

During the years 1786, 1787, and 1788, Congress sunk in public estimation, and toward the last rarely had a quorum. The people knew that it possessed no authority. Many of the ablest men in the country preferred service in the state governments to membership in Congress. At last it passed away, when our present government began. So much has been said of the defects and weaknesses of the old Congress and that of the confederation, it is no more than just to state the conspicuous services of these bodies.

The Stamp Act Congress assembled at New York, October 5-25, 1765. It adopted a declaration of rights, which clearly set forth the colonial cause.

The first Continental Congress met in Carpenters' Hall, Philadelphia, September 5-October 26, 1774. It issued four addresses, a declaration of rights, and made a most important non-importation agreement, to "encourage frugality, economy, and industry, and to promote agriculture, arts, and the manufactures of this country."

The second Continental Congress met in the old State House at Philadelphia, May 10, 1775, and continued by state elections till the Articles of Confederation went into effect, March 2, 1781.

It issued the Declaration of Independence.

It adopted the Articles of Confederation.

It made a treaty with France and established friendly relations with Holland, Spain, and Russia.

It sent out foreign ministers, of whom the greatest were Dr. Franklin and John Adams.

It chose Washington commander-in-chief.

It carried on the war to a successful end.

The Congress of the confederation met in many places, but chiefly in New York, from March 2, 1781, till its dissolution, November 22, 1788, though its existence did not cease, under the acts for inaugurating the new government, till March 3, 1789.

It negotiated the treaty of peace with Great Britain, September 3, 1783.

It made treaties with the Netherlands (1782), Sweden (1783), Prussia (1785), and Morocco (1787).

It established our system of decimal currency and the weight, fineness, and ratio of our gold and silver coins.

It organized the territory northwest of the Ohio River by the ordinance of 1787.

It adopted our system of public surveys and provided for the survey and sale of the public domain.

The firmness of Maryland caused the states claiming "western lands" to surrender them to Congress for the use of the United States. This was the beginning of the public domain. New York ceded the "triangle"* (also claimed by Massachusetts, Connecticut, and Virginia) March 1, 1781. Between that date and the close of 1788, Virginia ceded all her claim lying in the present states of Pennsylvania, Ohio, Indiana, and Illinois. On the 19th of April, 1785, Massachusetts ceded her claims in the present states of Pennsylvania, Michigan, and Wisconsin. In September, 1786, and May, 1800, Connecticut ceded her lands lying in Pennsylvania, Ohio, Indiana, and Illinois. South Carolina, in August, 1787, conveyed her claims to lands lying in the present states of Georgia, Alabama, and Mississippi. North Carolina delayed her cession till February 25, 1790, and Georgia did not complete hers till 1802.

These vast and generous grants to the general government comprised about one-half of the country. They placed to the credit of the United States an area, clear of prior claims, equal to seven states of the size of New York. The Congress, like everybody else in America at this time, thought that the western country would soon fill up with settlers. It was in confident anticipation of great land sales that Congress issued so much paper money. The public domain was a sort of public security. At all events, Congress practically mortgaged it many times over by its paper issues. Connecticut reserved a large tract along Lake Erie, known for a time as New Connecticut, and still called the Western Reserve. Over this, Connecticut had jurisdiction until 1800. Virginia reserved two tracts, one between the Miami and Scioto rivers, on the Ohio, for her Revolutionary soldiers; and another of one hundred and fifty thousand acres, near Kaskaskia, for George Rogers Clarke and the

* In Pennsylvania.

officers and soldiers of his regiment. The cession from North Carolina, comprising the present state of Tennessee, was practically already covered by land warrants granted to the North Carolina troops.

As soon as these cessions were negotiated, innumerable "land companies" and "population companies" started up, and petitioned Congress to make sales of land. As the west could be reached most easily and safely by water, the companies bought land along the Ohio. Congress began to sell the land in large tracts in 1787.

The two largest purchasers were the Scioto Company and the Ohio Land Company. The intention of these was to resell the land in small holdings to immigrants, and make a fortune. The congressional sales were about forty cents an acre, in tracts of from one to four million acres. The Ohio Company originated in Massachusetts, made its purchase October 27, 1787, of one million five hundred thousand acres (within the present counties of Washington, Athens, Meigs, and Gallia) and reserved two townships for the endowment of a college, now the Ohio University, and set apart every sixteenth section for the use of free public schools. General Rufus Putnam was president. Early in the winter the pioneers started from Massachusetts for the "west." In the middle of February they reached the Youghioghenny, where a boat of fifty tons' burden was built and called the Mayflower. It was as large as the caravel that brought Columbus to America. The boat was made bullet-proof. On the 2d of April, the pioneers started down the river, entered the Monongahela, and thence down the Ohio, arriving at the mouth of the Muskingum on the 7th. There they made the first permanent settlement in Ohio, and began the development of the Northwest Territory. They were New England men, veterans of the war, and they brought New England ideas with them.

The demand for lands in the Ohio country stirred Congress to provide for the government of the vast domain which the states had given it. On the 13th of July, 1787, it passed an ordinance for the government of the territory of the United States northwest of the river Ohio. The new government should consist of a governor, a secretary, and

three judges till there should be five thousand free white men in the territory of full age. Then an assembly should be chosen, consisting of one representative for every five hundred free male inhabitants, till the assembly consisted of twenty-five members. The assembly nominated ten persons, from whom the Congress chose five to serve as a legislative council. A delegate to Congress was chosen by joint ballot of the council and assembly. He could debate, but not vote. All territorial laws were to be approved by Congress.

Not less than three nor more than five states could be formed out of the territory, each to be admitted to the Union as soon as it should have sixty thousand free inhabitants. "Schools and the means of education shall forever be encouraged," ran another provision; but one of greatest moment was the last: "There shall neither be slavery nor involuntary servitude in the territory otherwise than in punishment of crimes whereof the party shall have been duly convicted," but all fugitive slaves should be caught and returned to their owners.

Just twenty-seven days after this ordinance was passed, Congress accepted the South Carolina cession, and on April 2, 1790, accepted the cession from North Carolina. The North Carolina deed expressly declared that the land was ceded on condition that Congress should never make any regulation tending to emancipate slaves, and that the laws of North Carolina should continue in force in the territory until repealed by its legislature. By these laws, it became slave territory. Congress, on the 26th of May, 1790, created the territory south of the Ohio River subject to the Carolina conditions. Thus the Ohio River became the dividing-line between free soil and slave soil. It will be noticed that the Southwest Territory was created by the first Congress under the Constitution. Meanwhile, the federal convention had assembled in Philadelphia.

CHAPTER XVII

A MORE PERFECT UNION NECESSARY

1787

Written constitutions are the chief contribution to the science of government in modern times, and it may be said that they originated in America. A written constitution may embody a people's civil institutions, or these may be unwritten and be expressed in customs, or be partly written and be expressed in customs and statutes. The chief purpose of a written constitution is to insure clearness and accuracy in laying down the outline of a political system, and to establish a known method of administering public business. It has long been customary to describe constitutional government as consisting of three departments, the legislative, the executive, and the judiciary, but it affords a more perfect understanding of civil society if these so-called departments are conceived as civil functions rather than as separate depositories of portions of sovereignty. The administration of government furnishes sufficient proof that the true division is functional and not merely arbitrary and departmental.

The demonstration was anticipated, moreover, in philosophy, and was made in the eighteenth century by Montesquieu in his *Spirit of Laws*. As in viewing a magnificent public building we are quite forgetful of the quarry from whence the stones were hewn, so in contemplating the civil institutions of a people we are forgetful of their origin. It would not be just to attribute to Montesquieu the authorship of our political institutions, but it is a matter of history that many of their important characteristics were first anticipated by him, and chief of these, the threefold division of civil functions. The influence of his work, as we have seen, was almost paramount in this country at the time when the colonies transformed themselves into

states. His comprehension of the principles of government immediately contributory to the formation of the American constitutions was destined, like all such discoveries, to become the property of the general mind and gradually to pass from exclusive association with the name of the discoverer.

During the colonial period, the three functions of government were obscure, for neither had as yet been worked out with sufficient clearness to make possible a written constitution. Of this truth, the eighteenth-century constitutions themselves are examples. Neither one of the departments (as they were then, and as they are now, commonly called) was separated from either of the others, and the makers of these constitutions seemed to realize that the separation was practically impossible; so that, as in the first constitution of Kentucky, it was declared that those who exercised the power properly belonging to one of these departments should not exercise any power properly belonging to either of the others, except in instances expressly permitted. The fourth function of government, the administrative, was not yet recognized to be a separate function, but was merged during the eighteenth and the greater part of the nineteenth centuries with the other three.

The English colonies in America, like the French and the Spanish, were instituted immediately under royal authority and through the exercise of the war power. Theoretically, the king was the fountain of all grants and commissions, from which legislative assemblies sprang into existence later. The theory of citizenship then was the reverse of what it is now; it was a privilege, not a right; the effect of a grant, not a franchise under an original title. Thus all the colonial assemblies were branches from the English executive, and this doctrine was upheld by the Court of King's Bench.* The origin of the American legislative was analogous with that of Parliament, and because of this fact many writers have continued to describe American institutions as mere copies of the English model. In history, no course is more likely to land us in error than to reason wholly from analogy; nor is any course easier to fol-

*Campbell *vs.* Hall, 1774; Culper, 204.

low. The many plans* for colonial union which emanated from English sources during the seventeenth and eighteenth centuries, disclosed the essential character of the English government. They rested primarily upon military nations.

A government founded upon such a basis would naturally find its chief civil formula in the executive, whence the colonial history of America is largely of the English executive, represented by the colonial governors, who constantly strove to keep colonial life on a military basis. But this was not the limit of effort. Royal grants and commissions permitted colonial assemblies, and with their appearance the limitation of executive power began. As yet, however, the executive dominated the judiciary, either by exercising the judicial function itself, or by dividing it with judges whom he appointed, and usually controlled. It followed, therefore, that as long as the English executive continued in America, the judiciary would be an arm of the executive, and the struggle for supremacy, or, to put it in other words, the evolution of the functions of government in American democracy, would continue to be a conflict between the legislative on the one side and the executive and judiciary on the other.

Perhaps it might be expected, previous to experience, that in this contest the executive and the judiciary would win; but there were economic forces, as yet obscure or unrecognized, which contributed to the triumph of the legislative. The power of this economic auxiliary was soon evident, as in the enactment of colonial laws, in the establishment of colonial precedents and customs, and in the gradual, though comparatively speedy, growth of American interests as distinct from English. This process of political identification compelled a definition of the relations between a colonial assembly and a royal charter; for under the charter the assemblies had sprung into existence, and had enacted laws which, in some instances, conflicted with the laws and customs of England. A typical case arose in Connecticut in 1717, and was settled in privy council ten years later.†

* For these plans see Carson's *One Hundredth Anniversary of the Constitution*, Vol. II.

† Winthrop *vs.* Lechmere, 1727-28; 4 Connecticut Historical Society Collections, 94.

The case finally resulted, after this long period of legal incubation, in declaring null and void an act of the Connecticut Assembly of May, 1726, and also an order of the superior court of Connecticut, made in September following, on the ground that they conflicted with the implied limitations of the charter of the colony. The decision meant merely that the acts of the court and of the legislature conflicted with the will of the crown and therefore all, as we would now say, were unconstitutional.

It may safely be said that, throughout the colonial period, any law enacted in America which conflicted with the will of the crown, if brought before an English court, or the privy council, would be abrogated. In other words, down to 1776, the final test of the constitutionality of a civil act in all the English colonies except in two* was the will of the executive. For the reason that sovereignty then resided solely in the crown, the decision was not made, as judicial decisions are now made in this country, after an adequate examination of the powers granted to the legislature. The American conception of government is that sovereignty resides in the people; the Revolution of 1776 was the transition from one idea to the other.

After the French and Indian war, expostulation was made against the English administration on the ground that the rights of the Americans as Englishmen were in danger, and later, that they had been violated. But this ground was soon abandoned for the larger claim, that the violation was not merely of the rights of Englishmen, but of the rights of man, to which the Americans claimed title. James Otis and his associates advanced the new claim at the time when the writs of assistance were examined. The leaders of political thought in America put their cause in an entirely new phase, which was typified in the resolutions of the Suffolk convention.†

To establish a legal foundation for the doctrine of natural rights would be the political triumph of the Revo-

* Except in Rhode Island and Connecticut, charter colonies, and in Pennsylvania and Maryland, proprietary colonies; yet in either of these, in a test case, the crown was likely to prevail.

† Journals of the Provincial Congress of Massachusetts, 1774-75.

lution. It was established against odds, for there was no court in the British Empire to which Otis and his association could appeal with any hope of a favorable decision. The best case which they could expect to make out was that the writs were against natural equity; and that they contravened all the established principles of the common law of England. The difficulty was the more serious because the constitution of England was unwritten. Unless it could be proved by the common law that the writs of assistance were contrary to the customs of the realm, there was little hope that the Americans would win their case without an appeal to arms. In New England, the writs were attacked as contrary to the will of God, because they so manifestly violated the rights of men. It may well be questioned, however, whether Otis and his associates realized that the principles for which they were contending involved the whole question of representative government, and particularly the function of the judiciary. But from the day when Otis attacked the writs unto the present time there was to evolve a more perfect definition of the means of determining the constitutionality of a law.*

Eleven of the thirteen colonies emerged from the Revolution with written constitutions, and in Connecticut and Rhode Island the old charters, long administered as constitutions, were continued. These written constitutions were novel results of a war. They were the first of their kind. There is no doubt that their remarkable characteristic is the attempt in them all, more or less successful, to differentiate the functions of government and to recognize these as coequal. Most remarkable was the entire change of political basis from royal to popular sovereignty, but in the transformation the legislative suffered little change. It had long been developing into the nucleus of government in the state, and throughout the eighteenth century it was suffered to remain so. Subordinate to it were the executive and the judiciary, yet the subordination was mechanical and conventional, rather than functional. By the eight-

*See the note to Paxton's case of the writ of assistance, 1761; in Quincy's Reports, Appendix, 520; also Thayer's Cases on Constitutional Law, Part I, pp. 48-55.

eenth century state constitutions,* the executive and the legislative, were the nominators of the judiciary, which, however, once created was to stand in equal rank with the other two. Yet the judiciary found itself in a novel position. For the first time in history it was separately functioned and acknowledged to possess distinctive powers, which, more or less clear in the state instruments, was made clearer in the national, whose definition of judicial functions is positive and general, the Constitution providing that all legislative power, without exception, granted to the government of the United States shall be vested in Congress; that all executive power, without exception, shall be vested in the President, and that the judicial power, without exception, shall be vested in one supreme court and in such inferior courts as Congress may from time to time ordain and establish.

If the eighteenth-century constitutions, including that of the nation, be compared with those of the states made after 1870, which marks the time of the adoption of the Fifteenth Amendment, a remarkable difference will be observed. In the earlier period, the judiciary was appointive, and dependent for its creation upon the executive and the legislative; in the latter, it was created directly by the electors. The change is suggestive of that rearrangement of civil functions which even colonial experience had dictated. In the eighteenth century, the judiciary was associated in the public mind with the executive; in our day, it is not associated with either the executive or the legislative, but is recognized to be an independent function or department in government. In the eighteenth century, democracy had been only so far developed as to make the judiciary to some extent responsible to the electors by associating the legislative with the executive in judicial appointments; in our own times, the independence of the judiciary is secured, or is sought to be secured, by making its creation a direct act of the electors.

Probably if the Constitution of the United States were to be revised, or a new national Constitution were to be

* For an account of these constitutions, see the *Constitutional History of the American People, 1776-1850*, Vol. I, Cl. 3 and 4.

adopted, the judicial power of the United States would be vested in courts whose judges would be elected directly by the people.* Passing by the question of the relative merits of the appointive and the elective system for the judiciary, it is to be observed that the constitutional changes made by the commonwealths in the organization of their courts of law consist essentially in defining the judiciary as an original and distinct function of government. This integrity and identification has been wrought out in a large measure by the judiciary itself, which from the time when the first state constitutions were formed, and the courts organized under them, has defined its own jurisdiction. Its decisions have contributed to that independence, conservatism, and influence which the law courts hold in the country at the present time. Of course, in working out its own jurisdiction, the judiciary has all along been brought into conflict with the legislative, and frequently with the executive.

The gradual definition of judicial jurisdiction has not been limited to the exercise of the power to settle disputes arising among the people in their every-day relations. The jurisdiction of the courts has been determined quite as much by their definition of the powers of the separate houses, of the houses as a joint legislative body of the executive, and of the executive and legislative conjointly. Thus as early as 1782,† in the court of appeals of Virginia, Chancellor Wythe, after deriving the jurisdiction of the court from the act by which it was constituted, entered into an examination of the structure of the government of the commonwealth, defining the function of the legislature as a body having two branches. All laws must originate in the house of delegates and be approved or rejected by the senate. In the same case, Pendleton defined the chief function of the governor and the council, and in doing so set forth the functions of the judiciary the more clearly. The case was among the earliest in which a constitutional question was

*For an account of the change from an appointive to an elective judiciary, see the author's *Constitutional History of the American People*, 1776-1850, Vol. II, index, the *Courts*, the *Judiciary*.

† *Commonwealth vs. Caton et al.*; 4 Call, 5.

settled in an American commonwealth, and derives its importance from the position which the judiciary then took in claiming the right to determine the constitutional authority of the other branches of the government. To us the case may seem trite, if not unimportant, but at so early a period in our history it was an epoch-making decision, for until that time the right of a court to set aside an act of the legislature as unconstitutional had scarcely been exercised, as it had scarcely been thought of.

The people of the United States had not yet sufficiently emerged from the shadows of colonialism to be able to see the bearings of their own political institutions. Two years later, a case arose in the city of New York* involving the authority of the treaty of 1783, the first case in our annals which laid down the doctrine of the paramount authority of a treaty; and the court was clearly of opinion "that no state in this Union can alter or abridge in a single point the federal articles or a treaty," a decision anticipatory of three provisions in the Constitution of the United States.† The importance of this decision in the evolution of judicial authority is obvious when it is remembered that if the decision was sustained by public opinion, it at once relegated the several states and the state constitutions to a subordinate place, making the Articles of Confederation, for the time being the national Constitution, and the treaties of the United States, the supreme law of the land. Again, in 1786, the function of the judiciary was more clearly defined and its jurisdiction applied for the first time in pronouncing a state law unconstitutional.

The case arose in Rhode Island‡ out of one of the forcing acts of that commonwealth to compel the circulation of paper money and the exchange of merchandise and other property for it. This commonwealth, unlike the others, except Connecticut, had no written constitution; yet its superior court did not hesitate to pronounce that the act

* *Rutgers vs. Waddington*; Mayor's court, City of New York, August 27, 1784.

† Art. I, Sec. 10, Cl. 1; Art. III, Sec. 2, Cl. 1; Art. VI, Cl. 2.

‡ *Trevett vs. Weeden*, 1786; Superior Court of Judicature of Rhode Island; 2 *Chandler's Criminal Trials*, 269.

involved in the case denied the right of trial by jury, and therefore was unconstitutional and void, by which decision not only was the character of the act defined, but also the jurisdiction of the court. Many in the legislature, and many more outside of it, construed the court to be a mere creature of the legislature, possessing no authority whatever to declare an act of the legislature void. At a time when public sentiment imputed almost absolute powers to the legislature, and construed the executive and judiciary as subordinate or merely accessory to the legislature, this Rhode Island decision stands among the great judicial events of the eighteenth century in America, and one preliminary to the ultimate common acceptance of the right of the judiciary to pass upon an act of the legislature. For all practical purposes the charter of Rhode Island was the constitution of the state, and the principles of the charter were essentially the principles of a state constitution.

The causes that led to the formation and adoption of the national Constitution were economic and largely financial in character. On that May morning when the federal convention assembled in the old State House in Philadelphia for the purpose of adapting the Articles of Confederation "to meet the exigencies of the Union," the dual system of government, which for twelve years had been one of the chief anxieties of American statesmen, displayed, as it never had before, such discordant relations between Congress and the assemblies as at that time existed between the East India Company, and the native princes of India: Congress and the princes exercised the forms, the assemblies and the company the authority of government. Until the treaty at Versailles, Congress was a revolutionary body, but for over a century and a half the assemblies had been a constituent part of the civil organization of English America. Many efforts toward colonial federation had been made during this time. At least thirteen propositions had attained publicity. The first, that of 1643, had united a portion of New England for forty years; the last, proposed at Albany, in 1754, by Dr. Franklin, preserved the best elements of its prototypes, and contained precedents of several provisions in the national Constitution. The

Articles of Confederation were closely modeled after the Albany form, and under them, by the issues of war, the people of the United States "assumed among the nations of the earth the place which the laws of nature and of nature's God entitled them." But the articles were no sooner adopted than their impotence became evident.

The committees to report the articles and to bring in a draft of a Declaration of Independence were chosen on the same day. The reports of the two committees met a different fate. The Declaration was quickly and unanimously adopted. The articles were debated a year in Congress before adoption, and were debated nearly five years by the assemblies. Meantime, the country had outgrown them. Seven states moved amendments early in 1781. New Jersey proposed to vest in Congress the exclusive power of regulating trade, domestic and foreign; of collecting duties for the general welfare, and of selling the western or crown lands for the purpose of defraying the expenses of the war. All these powers were essential to sovereignty, but throughout its existence the confederation lacked these means and rights, most of which were exercised by the separate states. Congress was, essentially, a continental cabinet to the assemblies, a council of state, a common agent. This and no more. All through the weary years of war, and the even more critical years of peace that followed, Congress ran a continental campaign. At first, popular enthusiasm was the sanction to its acts, but long before the war was over enthusiasm was dying away, and the November days of doubt and selfishness and jealous rivalries chilled the spirit of patriotism, hindered the growth of union, and filled the land with that cold, gray light of indifference which is more deadly than treason. But the assemblies suffered little during these days of despondency. Their claims to sovereignty were not diminished; their assumption of power, not checked. They were the government of the American people.

There can be no substitute for the power in government to serve legal processes upon individuals. This power the states possessed exclusively. Congress reached the individual, if at all, through the authority of the state. Thus

the legislatures, the governors, and the judges of the thirteen states were the rulers in America from the time of the revolt against George III. till the inauguration of George Washington. With these state governments, the Congress of the confederation seldom had as great an influence as had the Rajah of Benares with the governor-general of Calcutta during those dark days of pride and strife in the early history of the East India Company. With state authorities, Congress for twelve years kept up a ceaseless correspondence, through committees and heads of departments. The committees were timorous, the governors jealous, the assemblies often unfriendly.

Under the articles, executive functions which we are accustomed to see performed by a cabinet officer or a relay of clerks were performed, during almost the entire period of the confederation, by committees. John Adams has left on record energetic complaints that "putting the treasury in commission violated every principle of finance." The committees under the articles should not be confused, in function, origin, powers, or constituent relations, with the committees of the Senate and the House, which for over a century have largely controlled American politics. Identity in name here signifies functions and powers almost wholly unlike. The world to-day is largely under control of the democratic idea, which in its parliamentary aspects is government by committees. But under the articles, the consent of nine states was necessary for the adoption of any measure of continental importance, and could with greatest difficulty be obtained.

As public enthusiasm for Congress died away—and with it ceased the chief sanction for congressional acts—the assent of nine states was an event of ever less frequent occurrence. Thus Congress was left to talk freely, to vote impotently, and to receive slight attention, for the states were neglecting or refusing to collect their several quotas of money for the common treasury, or delayed collection so long that the credit of the country, both at home and abroad, was seriously impaired. After 1783, only a few of the ablest men were in Congress. Only wealthy citizens like Franklin or Adams could accept diplomatic service,

only citizens of property could be chosen to office at home. But the greater attraction was service in the state. There both honor and authority awakened ambition. But in the states, public office was beyond the reach of the poor man. The governor of Massachusetts must possess a freehold estate worth a thousand pounds, and the governor of South Carolina one worth ten thousand. The voter in Pennsylvania was a tax-payer, but a member of assembly, a privy councilor, a judge of the superior court, must own an estate valued at least at five hundred pounds. The higher the office, the greater the amount of property required. A judge of the supreme court, in any state, was appointed by the governor quite as much for his ability to support the dignity as to perform the duties of the bench.

The possession of real property was a qualification not always limited to office-holders. In most of the states, the poor man could not vote. In New York, a man must be worth a hundred pounds in land, free of debt, would he vote for state senator; in the Carolinas, he must own fifty acres in order to vote for any candidate. The white adult male population of the entire country was not half a million souls, and of these the number "duly qualified to be electors," did not exceed one hundred and fifty thousand. It almost startles us to discover that at the time when the Fathers were in office and the foundations of our government were laid, when the rights of man were proclaimed from the house-tops, and the lovers of liberty had won American independence, the voters of America comprised less than one-twentieth of the whole population.*

The long dispute between Parliament and the colonists was very complex in character. It contained political, religious, and commercial elements. There is no doubt that in the eighteenth, as in the nineteenth century, industrial difficulties took political form. They cannot easily take any other. Commercial equity is ever sought through legislation, and legislation that follows long agitation. So general is this political strife that its industrial purpose is

* For a detailed account of the qualifications of voters, legislators, and governors, from 1776 to 1800, see the author's *Constitutional History of the American People*, Vol. I, Chapter III.

often lost to view. The literature of the American Revolution presents, at first reading, the strong points of the political situation. The rights demanded are of persons, rather than of things. Trade and commerce give place to political philosophy, declarations of rights, acts of Congress and of assembly, and the bewildering productions of pamphleteers. Forms of government attract more attention than food and clothing. Farmers forsake the furrow for the platform in order to trumpet the rights of man. Thirteen colonies, usually sedate, habitually law-abiding, and isolated from the capitals of the world, are suddenly stirred to nullify English legislation, to revolt, and to declare their independence. Amidst the sea of voices, little is heard of trade and commerce and economics. Individualism is enthroned; association is difficult, belated, and feeble. There is lacking a constituency which shall act as one man. The wrongs of the colonies seem abstractions. Wheat and corn and rice and indigo are not emblazoned on the flag as an eloquent coat-of-arms. The stars must be pinned to the pennon, on an azure field. Thirteen potatoes might not stand for the rights of man. But the products of land and sea were not forgotten. They were carefully arranged on the thirteen seals of the states. There, the plow, the sickle, the golden sheaf, the patient oxen and the farm-horse harnessed for the field, the forest, the mine, the herds of cattle and sheep, the fleet of proud ships, the fishing-smack, wild beasts and wilder men, bespeak the economy for which the American people successfully struggled over a hundred years ago. We may put stars on the flag, but we hold the plow firmly in the furrow.

Industrial interests preceded political in America, though as the record is usually made up by historians, the order seems the reverse. Certainly political rights were won first, and there followed the long struggle to secure industrial rights. Had industrial prosperity been allowed the colonists, the Revolutionary War would doubtless have long been delayed. Perhaps it might not have occurred. It was the relentless and irresistible pressure of economic necessity that precipitated the war. Whatever the aspects of the eighteenth-century literature, it all signifies that the

war began as an industrial struggle, was waged to the end as an industrial struggle, and left behind it grave economic problems, many of which are not yet settled. In attempting to solve some of these problems, the people of the United States founded the present national government.

As to the best manner of carrying on the war, Congress and the assemblies differed only in policy, not in principle. Revenue should be derived from three sources: taxation, loans, and bills of credit. With paper money, treasury notes, bills of credit—whatever the name—the people had long been familiar. During the seventy-five years preceding the Revolutionary War, the colonies had issued, in the aggregate, paper money to the amount of more than twenty-five hundred thousand pounds. What portion of this was redeemed at par is unknown. The colonists, like their contemporaries in Europe, had very loose ideas about finance. Depreciation of paper currency was viewed as a tax, and nothing more. What if the redemption was at a thousand to one—as it had been in the colonies—this signified merely that the fall from nominal value measured the use which the people had found for the money. Let everybody take care and pay his debts promptly, and the depreciation would be less. Even so sagacious a man as Franklin deliberately wrote that the fall in paper money operated as a tax. "This effect of paper money," he wrote, in 1779, while in France, "is not understood on this side the water, and indeed the whole is a mystery, even to the politicians, how we have been able to continue a war four years without money, and how we could pay with paper that had no previously fixed fund (i. e., revenue), appropriated specifically to redeem it. This currency, as we manage it, is a wonderful machine. It performs its office when we issue it; it pays and clothes troops, and provides victuals and ammunition, and when we are obliged to issue a quantity excessive, it pays itself off by depreciation."

It was Franklin's idea, that as the money depreciated in everybody's hands, everybody thereby paid a tax to the extent of the depreciation. He seems to have believed that as rich men would hold most of this money, the tax

would fall chiefly on them. Therefore, paper money was the friend of the poor man. If Franklin, at seventy-three, held such notions, what must have been the ideas about money held by the ignorant masses? He could not remember the time when colonial paper was not in circulation. Its first issue, in large amounts, was made during his childhood by nine colonies, chiefly for the purpose of equipping expeditions against the French in Canada. From 1707 to 1775, hardly a year passed that did not record a paper issue. Franklin was the only eminent American whose life was identified with the most important public events of the eighteenth century. Long experience confirmed him in his financial opinions, and he seems never to have abandoned the premises which he laid down, while yet a young man, in his celebrated pamphlet, entitled "A Modest Inquiry into the Nature of Paper Money," written in defense of a paper issue, and responded to by an emission of bills by the legislature of Pennsylvania. The American people, down to the opening of the Revolution, and till sometime between the years 1780 and 1787, seem never to have doubted the soundness of fiat-money laws. Their confidence in paper money was as profound as their belief in the rights of man.

When Congress, in 1775, was convinced that war was inevitable, it prepared the way by issuing five millions of paper money, in continental bills, boldly charged against the credit of the states. In 1776 it "voted supplies" which the states should furnish. By 1778 it was urging supplies; the states had not responded with full quotas. In 1775, the expense of impending war was estimated at two millions of dollars. Fifteen millions were issued during 1776, a portion in fractional parts of a dollar. But continental bills of all denominations now began to depreciate, and partly to remedy this, thirteen millions were issued during 1777. A loan was then proposed at four per cent, "the faith of the United States" to be pledged for five millions that should be borrowed abroad immediately; but money was scarce at a higher rate, and capitalists would not lend against odds. Congress then offered six per cent, and tried a lottery; that delusive scheme which for nearly a century was a familiar and favorite procedure, in one form or

another, with states and churches, colleges, bridge-builders, and impecunious persons of every sort, by means of which to pay honest debts, raise salaries, erect houses of worship, equip academic halls, and construct roads and canals at the expense of the unlucky. Not until as late as 1850 was public opinion sufficiently regenerated to make constitutional provision against lotteries, and not until recent years has the last lottery company been banished from our soil. But the congressional lottery did not prosper. Congress could not levy taxes; it must therefore borrow or find relief in state quotas.

During 1778, there were grave apprehensions that the struggle for independence might fail. The states were negligent in remitting, and Congress fell back upon another scheme: to raise money by anticipating the various quotas and apportion the amount to the several states. This was called at the time, not inaptly, "the same goose with a change of sauce." The people bore taxation with little grace. Most of them could see no difference in their burdens, whether Congress or Parliament caused them. In 1778, there were fourteen issues by Congress, aggregating sixty-three and a half millions. The rude state of the art of printing made counterfeiting easy, and Congress was compelled to issue fifty millions on the 14th of January, 1779, in place of the counterfeited notes. This practically increased the amount in circulation. Before the year closed, the issues by Congress amounted to one hundred and forty-five millions. Early in the year, it attempted to negotiate a loan of twenty millions. But what must be the credit of a revolutionary government whose bills of credit unredeemed amounted to over two hundred and thirty-one millions of dollars, and whose population numbered scarcely three millions, of which nearly one-fifth were slaves? It is almost impossible to determine the financial status of the confederation, at any time of its history.

In September, 1779, John Jay drew up a report which shows the amount of congressional issues outstanding to be one hundred and sixty millions. On the first of the month Congress had resolved that the limit should be two hundred millions. Of this two hundred millions, eighty-eight mil-

lions, during the next five years, were replaced by bills, named "new tenor," to the amount of four millions four hundred thousand. This new issue bore interest at six per cent. It clearly shows, in 1784, the terrible depreciation of continental issues. About forty millions lay in the federal treasury. Nearly seventy millions were scattered among the state treasuries or in the pockets of the people. It was not proposed to redeem these last mentioned at a higher rate than from seventy-five or a hundred to one. Here was an application of Franklin's theory of paper money. Depreciation was nothing less than the loss of from seventy to a hundred millions of dollars, in specie, chiefly by the last holders, who in most cases were the poor. The aftermath of litigation, forcing acts, feuds, crime, and general misery thus caused was the most serious harvest of the war.

But the continental bills were not all the paper money put into circulation. Each state issued an almost unlimited amount. By 1784, the quantity was so great that it cannot be exactly stated. In South Carolina, in 1776, a pair of boots cost seven hundred dollars in state paper. In 1780, Virginia issued ten million pounds, followed the next year by fifteen millions more. By 1784, Massachusetts, Connecticut, and Pennsylvania had funded all their issues at their nominal value. In Virginia, the late issues would not pass at a thousand to one; in North Carolina, the state issues would not circulate at any value. In others, save the three refunding states, the bills passed as best they could. Yet in 1786 New Hampshire issued a further quantity "to please the people," who, it may be said, were in sympathy with Daniel Shays and his followers.

Speculation and the abuse of credit were the sins of the age. Every tavern became a broker-shop. State money bore a better price than continental. Trade languished. Ships from friendly powers shunned American ports. The traveler from Boston to Savannah was compelled to change his money thirteen times, paying as many discounts. The discount fell as he journeyed southward, but his gold coins became a greater treasure, a rarer curiosity. People flooded with memorials a Congress which they did not respect.

Advice was freely given. There is plenty of gold and silver, but it is all shipped abroad; let Congress forbid the exportation of coin and our money will be worth something. Let every patriot donate a dish, a spoon, or a buckle, and the federal melting-pot will soon be full. Let people stop speculation, go to work, economize, and money will take care of itself. But Congress, with whom custom was a matter of easiness, answered all complaints by making another paper issue. The friends of "metal money" began to calculate the time when the country would be crushed by the weight of "whole reams of depreciated paper." By the last of November, 1779, the total emission of continental paper amounted to two hundred millions, of which more than one hundred and forty millions were for that year alone. Congress then abandoned further issues.

On the 2d of March, 1781, Congress met for the first time under the Articles of Confederation, and at once proposed that the states surrender to it the right to issue bills of credit. The proposition was promptly rejected. Some states, in order to redeem their paper money, had confiscated the property of royalists. The United States had no authority to confiscate such property, nor had it property of its own upon which to base its own issues. Continental scrip was secured by faith alone. After the treaty of peace, in 1783, Congress was almost forgotten. Scarcely a quorum to do business could be gathered within its halls. Now and then the people heard of endless discussions about the navigation of the Mississippi, the surrender of Western forts, the speculation in Western lands, and the wicked conduct of John Jay and the Spanish minister. The energies of the people were absorbed in new activities incident to a return to civil life. Men began to talk about the West. The cloth-covered ox-cart of the emigrant from New England was seen crawling, like an enormous insect with monstrous ribs, along the main road from Albany to Black Rock. Virginia veterans were passing over the mountains into the blue-lands of Kentucky. Land scrip became the title to palatinates along the Maumee and the Scioto, and the block-house at Erie became the official center of the Northwest. Paper money pos-

sessed only a fictitious value. In later years, Secretary Woodward estimated that the depreciation of continental issues cost the people about two hundred million dollars.

Soon after the meeting of Congress, Dr. Witherspoon, one of the delegates from New Jersey, introduced a resolution that the states should vest Congress with the exclusive right to superintend the commercial regulations of every state, and to levy duties upon all imported articles. This plain method of securing a revenue emerged from the tedious debates as a recommendation to the states to allow Congress to levy, for the use of the United States, a duty of five per cent upon all foreign merchandise imported into any state, the revenue to be applied to pay the public debt. The duty was to continue until the debt should be "fully and finally paid." When the plan came before the state legislatures, Rhode Island refused its consent, and the suggestion came to naught. In 1783, Congress asked the states to grant permission to levy a fixed duty on spirituous liquors, tea, coffee, sugar, and molasses, and a five per cent *ad valorem* duty on all other articles, for the period of twenty-five years. An annual revenue of a million and a half dollars was expected from such a source, which would discharge the public debt, principal and interest. The collectors were to be appointed by the states, but to be amenable to Congress. At this time the commission of the treasury sent out its report. The revenue of the confederation in five months had been only one-fourth of the amount needed to support the government for a single day. But the gloomy report from the treasury had no effect on selfish, jealous state legislators. Rhode Island again refused consent; the vote of New York was lost by division. Congress had made its last effort to obtain adequate powers to restore the public credit.

Meantime, among the people a counter-revolution had begun. All classes were discussing the low condition of trade, commerce, and currency. Opinions of every shade were current. There were imposters and non-imposters, paper-money men and hard-money men. Trade should be left to take care of itself. Congress might better go home; if the states should grant such a revenue, Congress

would squander it, as millions had been squandered already. The commerce of the country was at the mercy of foreign powers, and as everybody knew that the thirteen States would never agree on the subject, Congress should be empowered to regulate the industrial interests of the country. So ran replies and rejoinders. The merchants of Boston set forth the deplorable condition of business, and formally petitioned the general court to instruct the Massachusetts delegates in Congress to bring up the whole question again. They found a leader in Governor Bowdoin, who told the state legislature that bitter experience had shown the necessity of bestowing upon Congress the power to control trade for a limited time. He suggested that each state appoint delegates to a trade convention, in which they might settle amicably what powers should be given to the general government. But the Massachusetts delegates, led by Rufus King, arguing that any change in the confederation would lead to the establishment of an aristocracy, defeated for the time the realization of the governor's plan.

The economic errors of our fathers cannot be said to be of absorbing interest, but their faults are none the less instructive, and even picturesque, when viewed in relation to other errors of their age and to errors of our own. The economic policies of continental nations, of which that pursued by Frederick the Great may be taken as a type, had a decisive influence upon the commercial status of this country during the last years of the eighteenth century. By the American war, and the political and industrial complications in India, the British navigation system received a fatal blow. No longer could England locate or monopolize the markets of the world and dictate the terms of trade. The industries of the globe, long held in arbitrary check by the jealous and stupid policies of petty, warring cabinets in small continental states, were slightly loosening from their grasp. With freedom came newness of industrial life. The United States became the one neutral nation of the civilized portion of the globe, and this unique position had a remarkable and favorable effect upon her population. The winning of American independence

was the stimulus to the industrial action of the modern world.

Political economy was not taught in American schools, and the phrase is seldom found in the newspapers of the eighteenth century. An examination of the constitutions of various American states, down to the close of Jackson's administration, brings out no evidence that the delegates to constitutional conventions, or to sessions of the legislature called for the purpose of revising or making a constitution, troubled themselves with the doctrines of Malthus or Ricardo, or discussed the intricate relations of international trade. A strike was then a crime. The morale of labor was low; both relatively and absolutely the laborer was worse off than he is to-day. Machinery has so changed the effectiveness of labor that only the simplest employments enter into the comparison. But a careful examination of the daily affairs of the American people of that time clearly shows that some of the elements of the present "industrial war" were not wholly undefined then. The nation was bankrupt, and a bankrupt nation has a large stock of economic difficulties on hand. These difficulties were aggravated by the jarring commercial laws of the several states. Could the merchant of Philadelphia fail to know that the discrimination against him when he sent his goods to New York was unjust? As he handled the curious currency of his native land, and the more curious currency made by private enterprise and foreign speculators—coarse paper issues from fourteen governments about him—Spanish joes, pewter coins, silver-washed, imported to deceive him, and penny tokens, thinly gilded, which he must ring upon his counter and test between his teeth, could he fail to discover that public credit was rapidly ebbing away?

Amidst such prostration we might not expect to find powerful opposition to any remedy to public disorders, but opposition of this kind was common. Congress, it was said, has no right to adopt the commercial laws of one state rather than those of another; whose commercial laws would all be willing to obey? Nor will the states ever allow Congress to prescribe commercial laws of its own; for has not

New York, led by Governor Clinton, repeatedly refused to "Congress any right whatever to interfere in the trade of that state?" The merchants in the North and the planters in the South at last reached the same conclusion. "If Congress lays an impost," said the merchants, "we will gain, because the duty will be paid by the consumer, and we shall no longer be troubled by the constant fluctuations in prices caused by the conflicting laws of so many states; smuggling will cease, and prices will be regulated by a common unit of measure—general commercial laws." "If Congress fixes an impost," said the planters, "we shall no longer be obliged to compete with raw products from abroad, and the discrimination in our favor will raise the price of our products and create a home market." The planters and the merchants supported Congress.

As the merchants of Boston had found a friend in Governor Bowdoin, the planters of Virginia appealed to the house of burgesses, and found an advocate in James Madison. On the last day of the session of 1786, Madison succeeded in getting the house to pass an act the consequences of which no statesman could have foreseen. He began a movement which, from obscure beginnings, gained strength and favor with every slight advance; which passed quickly and almost imperceptibly from state to state, and swelled at last into a national impulse, that found adequate expression in the constitutional convention of 1787.

Between Maryland and Virginia the Potomac River was the boundary, the common highway of commerce to and from the states bordering on its waters. The duties levied by these states were constantly evaded, and each state accused the other of harboring smugglers. Complaints were repeatedly brought before the state legislatures. As early as 1784, Madison had made personal observation of these infractions of interstate law, and had written to Jefferson suggesting the appointment of a joint commission by Virginia and Maryland in order to ascertain the respective rights and powers of the states over the commerce on the river. A bill was soon brought into the Virginia house of burgesses; three commissioners were appointed for that commonwealth, three were appointed by Maryland, and in

March, 1785, the commission met at Alexandria, but soon adjourned to Mount Vernon. As the commissioners entered upon an examination of the interests committed to their charge, many questions pertinent to the case but beyond their jurisdiction arose. Delaware and Pennsylvania were concerned in the commerce on the river; if it was to the interest of Maryland and Virginia to agree to uniform duties, was not a similar agreement beneficial to Pennsylvania and Delaware? If to these four states, why not also to all the states in the Union? These ideas, advanced by Washington, became the seed of a more perfect Union. While yet at Mount Vernon the commissioners drew up a report suggesting that two commissioners be appointed by each of the states along the Potomac to report a uniform system the next year. Maryland at once invited Pennsylvania and Delaware to participate in a common commercial policy, but Virginia, leading the way to grander things, passed a similar resolution, extending its provisions, and sending a copy to each state, invited all to appoint delegates to meet in a trade convention at Annapolis, on the second Monday in September, 1786. The spirit of the planters and the merchants had at last taken hold of the politicians. It was this resolution which the house of burgesses passed on the last day of the session of 1786, and Madison had inserted a clause, which met the approval of that body, that the convention about to be called should take into consideration the trade and commerce of the whole country, and that Congress should be vested with powers to regulate commerce.

The people, meanwhile, alarmed by continued industrial depression and impending bankruptcy, had sought refuge in the very evils which had caused the imminent extinction of public credit. The rage for paper money had broken out afresh and more violently than before. Legislators lost their wits. "We have no money, but let us make money and wipe out our debts." In seven states the hard-money men were outvoted. Within the year Maryland, North Carolina, New York, New Jersey, Rhode Island, New Hampshire, and Vermont issued great quantities of paper money. They also attempted to enforce its circulation by

law. "If a man refused to take a state bill he should be made to suffer." Public morals fell with the currency.

The worst element of the debtor class congregated in armed mobs and prevented the sittings of the courts in Massachusetts, that executions might not issue against delinquent debtors. Whole counties in New England became demoralized. Blood was shed in Rhode Island when the sheriffs attempted to carry the forcing laws into effect. Shays' rebellion raged all winter in western Massachusetts. The merchants, the lawyers, and the courts were the objects of popular hatred and abuse. The governors of Rhode Island and Vermont openly favored the insurgents in Massachusetts. The jails were alternately filled by the sheriff and emptied by the mob. Farmers refused to bring their produce to the towns. Consumers and producers were at enmity, and values were for a time upset by odious laws passed to bolster up a limp and worthless currency. Had it not been for the veterans of the war, the scenes of the French Revolution might have found a precedent in America.

The winter of 1786-87 was unusually severe. The laborer complained that his occasional employment was poorly paid with a paper bill of varying value with which he could not supply his family with the necessities of life. Merchants complained that the farmers would not trade with them, and that they could not afford to barter, as their stock was imported and had been paid for in coin. Tax collectors returned men who for years had been reputed the wealthiest men of the town. Thoughtful men grew alarmed. Washington's circular letter from Newburg read like a prophecy: "We shall be left nearly in a state of nature, or we may find our own unhappy experience that there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny, and that arbitrary power is most easily established on the ruins of liberty abused by licentiousness." Amidst the bankruptcy of the times, many states passed laws impairing the obligation of contracts. The sense of justice seemed lost to the Republic. If the inviolability of private rights was to be lawfully ignored and formally declared void by public legislation,

then after that "the deluge." "Interference with private rights and the steady dispensation with justice," wrote Madison in after years, "were the evils which above all others led to the new Constitution."

The general government had repudiated its debts, and the several states now began to scale or to repudiate theirs. When contracts no longer had the sanction of law, there could be little discrimination between public credit and public debt. At Mount Vernon Washington had said to the commissioners: "The proposition is self-evident. We are either a united people or we are not so; if the former, let us in all matters of national concern act as a nation which has a national character to support. If the states individually attempt to regulate commerce, an abortion or a many-headed monster will be the issue. If we consider ourselves or wish to be considered by others as a united people, why not adopt the measures which are characteristic of it and support the honor and dignity of one? If we are afraid to trust one another under qualified powers, there is an end of union."

During the winter of 1785-86, Congress rarely secured a quorum. The confederation was falling to pieces. State legislatures found difficulty in electing delegates to Congress. The office brought neither profit, fame, nor congenial duties. On the 15th of February, 1786, the committee appointed by Congress out of its own body to take into consideration the state of the Union made a remarkable report.* "The states have failed to come up to their requisitions. The public embarrassments are daily increasing. It is the instant duty of Congress to declare most explicitly that the crisis has arrived when the people of the United States, by whose will and for whose benefit the federal government has been instituted, must speedily decide whether they will support their rank as a nation by maintaining the public faith at home and abroad, and by a timely exertion in establishing a general revenue strengthen the confederation, and no longer hazard not only the existence of the Union, but also the existence of those great and invaluable rights for which they have so

* Journal of Congress.

arduously and honorably contended." The helplessness of Congress and the collapse of the confederation was thus solemnly and publicly confessed to the world.

New Jersey, in 1786, broke the last strand of the confederation by refusing to pay its quota of one hundred and sixty-six thousand dollars. In vain did the congressional committee plead the cause of the Union before the legislature of that state. New York granted Congress the right to impose a revenue, but destroyed the value of the grant by a special clause. When Congress feebly protested, Governor Clinton plainly told that anomalous body that he did not consider the matter of importance whether the debts were paid or not; New York was capable of managing its own affairs, and its interests were paramount to those of Congress.

Foreign affairs were in an equally bad plight. On the 5th of January, 1786, Temple wrote to the English government: "The trade and navigation of the states appear to be now in a great measure at a standstill." On the 9th of April following, Otto wrote to the French ministry: "It is necessary either to dissolve the confederation or to give to Congress means proportional to its wants. It calls upon the states for the last time to act as a nation. It affords them a glimpse of the fatal and inevitable consequences of bankruptcy, and it declares to the whole world that it is not to blame for the violation of the engagements which it has made in the name of its constituents. All its resources are exhausted; the payment of taxes diminishes daily, and scarcely suffices for the moderate expenses of the government; the present crisis concerns solely the existence of Congress and of the confederation. The most important members of Congress are doing all in their power to add to the act of confederation some articles which the present situation of affairs appears to render indispensable; they propose to give to Congress executive powers and the exclusive right to make emissions of paper money, and of regulating commerce."

Franklin had written to Jefferson, then in Paris, that the disposition to furnish Congress with ample powers was augmenting daily as people became more enlightened. The

newspapers teemed with the writings of "Cato" and "Camillus," "Plain Farmer" and "Cincinnatus." Numerous pamphlets examined "the present discontent." Professors in the colleges interspersed their lectures on the Greek and the Italian republics with comments on the needs of the American confederation. Clergymen chose political texts and lawyers debated problems in finance and government while the court was taking its recess. The interests of trade, currency, and commerce were swiftly assuming a political character.

The trade convention met at Annapolis in September, 1786, but the attendance of delegates was so small as to discourage the few who had assembled from taking into prolonged consideration at that time the grave questions that agitated the country. Neither Georgia nor South Carolina had sent delegates; nor was a single New England state represented. Little was done except to meet and adjourn. But before adjourning, Madison and Hamilton agreed upon a report, which, drawn with all of Hamilton's foresight, was adopted by the convention after a discussion of two days.* The report urged that a new convention, composed of delegates from each state, possessed of greater powers, should be called to meet in Philadelphia on the 10th of May, 1787. Copies of this report were sent to each commonwealth.

Again Virginia took the lead, and on the 9th of November, the house of burgesses passed a bill, brought in by Madison, that the state should send delegates to the constitutional convention. The first delegate chosen by Virginia was her foremost citizen, Washington. Madison was the fifth chosen, and his services in the convention were destined to be greater than those of any other delegate on the floor. Virginia was followed by New Jersey, Pennsylvania, Delaware, North Carolina, and Georgia, which in succession chose their ablest men. In Massachusetts, a bitter opposition delayed the election of delegates till the 21st of February, when Congress also gave its weak and formal consent to the convention. Rhode Island never

*The proceedings of the Annapolis convention are given in the *Documentary History of the Constitution*, Vol. I.

sent a delegation, but before midsummer every other state was represented. On the 10th of May, 1787, the convention assembled in the old State House, where so many of the delegates had won their just fame.

When autumn came, the work of the convention was done—a work far different than that for which the members had been elected. The Constitution of the United States was given to the people. The country had supposed that the convention was merely a trade convention. But we now know the secret history, or at least the greater portion of the history, of the proceedings of the convention. It was published more than fifty years later, when the framers of the national Constitution were in their graves. Those wise men were equal to the grave problems before them; their names find an imperishable monument in the work of their hands; they linked together the industrial and political interests of the nation, and formed a more perfect union. But the causes which led to the making of the Constitution were economic rather than political in character.

Turning to the course of events culminating in the ratification of the Constitution, we shall discover that the fate of the measure was dictated by stern economic laws which will have their own in spite of the selfishness, the narrow vision, the crooked ambition of men. No event in American history illustrates more completely the compulsions of the public economy under which we live than does the formation of the Constitution in Philadelphia in 1787, and its ratification as the supreme law of the land.

CHAPTER XVIII

THE CONSTITUTION

1787

On the 25th of May, enough members appeared in Philadelphia to organize the convention. It assembled in the room in which the Declaration of Independence had been debated and signed. Seven of the members of the convention had signed that great paper, and four had signed the Articles of Confederation. All were greatly distinguished for their public services in Congress, on the bench, in the army, and in the assemblies. Among the members were Washington and Franklin, Robert Morris, Roger Sherman, James Madison, Alexander Hamilton, John Rutledge, Elbridge Gerry, and Charles C. Pinckney. Washington was unanimously chosen presiding officer. All summer long the convention met in secret session. On the 17th of September, thirty-nine of the fifty-four delegates who had attended affixed their names to the Constitution of the United States. It was the result of several compromises.

The delegates knew that no form of national government had any chance of succeeding which did not embody the best features of the state governments and the Articles of Confederation. In other words, the new plan must conform to the civil experience of the country. While this condition seems an easy one with which to comply, many details of it proved difficult. No one thought of departing from the familiar division of civil functions, legislative, executive, and judiciary, and the division was made more perfect in the national Constitution than it had been in any state constitution. The titles for the several departments were supplied by long use in the states and colonies. Since 1689 the term "congress" had become familiar to the people, and particularly since 1765. The upper house was

called the senate in eight states,* and the lower house, the house of representatives in four.†

The title "president" had been in use since 1609 in Virginia, the chief officer of the old London and Plymouth companies having borne the name; but in more recent years, since the organization of the states in 1776, it had been given by the people of four of them to their chief executive, and had been the name of the principal official of the Continental Congress and of the Congress of the confederation.

In each state there were a supreme court and inferior courts, and the general titles were preserved in the national Constitution. In all the states the judges were appointed by the executive, usually with the consent of the upper house, a method now continued in the Constitution by the federal convention.

There were important details in the state governments with which the people were familiar, and which could not be wisely omitted from the new Constitution. The retirement of a portion of the senate at regular periods prevailed in four states.‡ The exclusive power of the lower house to originate money bills was peculiar to New England, though from time immemorial the practice of the British Parliament. The ordinary powers of Congress were like those common to the state legislatures.

But as soon as the convention passed beyond these common provisions it entered upon many difficulties, some of which seemed for a time to be beyond power of settlement. Chief of these difficulties were representation, the presidency, and the powers of Congress. All these were embodied in the fundamental question, Shall the new government, "the more perfect union," be national or federal in character? If it was to be strictly national, then representation in both branches of Congress would be in proportion to population; if it was to be strictly federal, representation in both branches would be equal. In a strictly

* Virginia, Maryland, North Carolina, New York, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

† New England.

‡ New York, Pennsylvania, Virginia, and Delaware.

national government the people would be represented; in a strictly federal one, the states. The difficulty was intensified by the existence of slavery. Should slaves and freemen be represented equally? Opinions were conflicting and radical, and after anxious debate, both parties agreed to concessions. The new government was made partly national and partly federal; the states were to be represented each by two Senators; the House of Representatives should represent the people, each state having its proportion of members, to be determined by a census every ten years. Three-fifths of the slave population should be counted as freemen in the basis of representation.

The organization, term, and powers of the executive were the last things settled by the convention. There was a prevailing distrust of a vigorous executive with a long term. Finally, the term of four years with re-eligibility was accepted. The term of the President's office being short, the convention relied on the people to select proper men from time to time. This detail having been settled, it was easier to agree on the President's powers; and in assigning them, the convention clearly followed the state constitutions. Every state except Rhode Island made the executive commander-in-chief of its army and navy; all except Rhode Island and Connecticut intrusted him with the pardoning power; all required him to take an oath of office. The governor of New York nominated for office, to the Senate; the governor of North Carolina filled vacancies in state offices till a new election or a regular appointment. Other presidential powers were suggested by the necessities of the plan which the convention was framing.

Even the office of Vice-President, which at first was hailed as superfluous, and which was suggested during the last days of the convention, had its original among the states, five of which had their deputy governor, or lieutenant-governor.* The lieutenant-governor of New York presided over the senate, and voted, but only in case of a tie, an arrangement copied in our national Constitution.

*Delaware, Pennsylvania, New Hampshire, South Carolina, and New York.

North Carolina provided for a successor in case of the death of the governor—a provision duly cared for in the Constitution. The best method of choosing the President long engaged the attention of the convention. James Wilson, a delegate from Pennsylvania, urged a direct vote by the people, but this method was viewed by his colleagues as dangerously democratic. The method finally chosen, an election by special electors, now for many years popularly called the “Electoral College,” was an experiment, and believed by the delegates to be a very excellent one. The senate of Maryland was chosen by special electors, and this precedent was cited. It appears, however, that the method finally agreed on was taken, not so much because of intrinsic excellence as because every other method proposed met with strong factional opposition. So the “Electoral College” was a compromise, and has proved not altogether a satisfactory one. It has led to one amendment of the Constitution.*

It is well to bear in mind, respecting our national plan of government, the Constitution of the United States, that it is the embodiment of civil and political experience in the Old World and in the New. Its makers adhered closely to American experience as set forth in the state constitutions. They differed widely in their political opinions, some wishing a national government, others a federal government. The result was a compromise. The government of the United States is partly federal and partly national in character.

The convention began its work with a discussion of a plan submitted by the Virginia delegates, which declared that “a union of the states merely federal” would “not accomplish the objects proposed by the Articles of Confederation—namely, common defense, security of liberty, and general welfare”—and therefore proposed “that a national government ought to be established, consisting of a supreme legislative, executive, and judiciary.” The New Jersey delegates submitted a plan for a revision of the articles. Hamilton also submitted suggestions. By the Virginia plan, the nation would be supreme; by the New

* The twelfth.

Jersey plan, the states would continue supreme. After much debate, the Virginia plan was made the basis of the new Constitution. But some provisions of the New Jersey plan, and others suggested by Hamilton, were adopted. The most difficult matters to settle were representation and taxation. These were compromised.

The two compromises on representation were equal representation in the Senate and proportional representation in the House. The large (populous) states objected to the first; the small states to the second. The compromise on taxation was in part a compromise on representation also. It provided that the importation of slaves should cease in twenty-one years—that is, in 1808; that three-fifths of the slaves should count in representation, and that Congress might tax imports—that is, might pass a tariff law.

The slave states wanted every slave to count as a free white in representation, and also favored the continuation of the slave trade. The free (commercial) states wanted the slaves omitted from the basis of representation, and also wanted to empower Congress to levy duties, excises, and customs on imports and exports. Each section gave up something and gained something. The result was the Constitution.

From the state constitutions came the division into legislative power, executive power, and judicial power; the titles House of Representatives, Senate, President, and Supreme Court; the special power of the House to originate money bills; the two years' term of Congressmen; the method of representation in the House and in the Senate; the retiring clause for the Senate; the appointment of judges by the President, with consent of the Senate; the powers of the President—to veto a bill, to pardon, to command the army and navy, to nominate to office, to fill vacancies, and to send annual and special messages.

The state constitutions also suggested the office of Vice-President, and his succession to the presidency; the provision of a census; the rules of procedure in Congress, and the method of choosing the President by "electors."

From the Articles of Confederation came the title "congress," long in use, however, by the states, and the

distinct representation of the states as independent bodies.

Much of the phraseology of the Constitution is like that of earlier American state papers: constitutions, declarations, and articles.

The new features of the Constitution were: The supremacy of the national government within its own sphere;^a the specific limitations of the United States,^b and of the states;^c the creation of national courts;^d the creation of United States citizenship, distinct from that of the state;^e the guaranty to every state of "a republican form of government";^f the oath of all state officers to support the Constitution of the United States;^g the definition and punishment of treason;^h the direct authority of the United States over individuals,ⁱ and the admission of new states.^j

On the 17th of September, the Constitution, signed by the convention, was sent to the president of Congress, then sitting in New York, and copies were transmitted by that body to the governors of the states. These in turn submitted the "new plan" to the assemblies, whom, as directed by the convention and by Congress, they requested to provide for the popular election of delegates to special state conventions to approve or to reject the plan. Conventions assembled, and discussed the Constitution with great thoroughness. Many amendments were proposed, about one hundred and sixty in all. The first four states to act* ratified without suggestion of change; New Hampshire was the ninth to ratify (June 21, 1788), and the Constitution, by its own terms, became on that day "the supreme law of the land." Delaware, New Jersey, and Georgia ratified unanimously. North Carolina and Rhode Island did not ratify till after the new government was in operation. The Constitution narrowly escaped rejection; a change of two votes in New York, of five in Virginia, and

^a Art. VI, Sec. 2.

^b Art. I, Sec. 9.

^c Art. I, Sec. 10.

^d Art. III.

^e Art. I, Sec. 3, Cl. 3; Art. XIV.

^f Art. IV, Sec. 4.

^g Art. VI, Sec. 3.

^h Art. III, Sec. 3.

ⁱ Art. I.

^j Art. IV, Sec. 3.

* Delaware, Pennsylvania, New Jersey, and Georgia.

of ten in Massachusetts would have defeated it, and left the country without a government. It will be noticed that the Constitution was not submitted to a direct vote of the people, but to the vote of their representatives in thirteen state conventions. Neither was it ratified by the states, for the assemblies did not vote on it. It was ratified by the people of the several states, through conventions specially elected to consider it.

By September, 1788, eleven states had ratified, and Congress passed an ordinance to put the Constitution into effect. It ordered an election of presidential electors to be held on the first Wednesday of January, 1789; that they should meet and vote for President and Vice-President on the first Wednesday in February, and that the new Congress should be elected and meet in New York City on the first Wednesday of March. Thus all depended on the election of a Congress and a President. When the first Wednesday of March came, and it was the 4th of the month, few members of Congress had arrived. The House did not organize till the 30th of March, and the Senate not till the 6th of April. Then the electoral vote was counted. Washington had been unanimously chosen President. Of the sixty-nine votes, John Adams had received thirty-four, the next highest number, and was declared Vice-President. On the 30th of April, Washington was inaugurated in New York. He took the solemn oath of office in full view of the people, and when the simple, impressive ceremony was over, they shouted, "Long live George Washington, President of the United States!" The federal judiciary was soon after inaugurated; executive departments were created, and the government was in full operation before the year closed.*

*For a detailed account of the formation and adoption of the Constitution and of the inauguration of the government, see my *Constitutional History of the United States, 1765-1895*, Vols. I and II.

CHAPTER XIX

THE RISE OF PARTY GOVERNMENT

1789-1794

To-day, when a new President turns from the delivery of his inaugural to take up the duties of his great office, he finds himself at the head of a thoroughly organized government. His predecessor has called the Senate in extra session to act on his appointments. More than a hundred thousand clerks, distributed among eight executive departments, are continuing the routine business of the government. National courts all over the land are hearing and deciding cases. Moreover, this vast business goes on in public buildings belonging to the United States. The new President may have a "policy" quite opposite to his predecessor's, but he does not have to begin a government. Now, Washington had to begin a government and inaugurate and carry out a policy. The condition of affairs was in many respects alarming.

The United States had not a penny in the treasury and little credit either at home or abroad. The war left the confederation and the states deeply in debt. As the United States succeeded to the confederation, it inherited its debts, amounting to fifty-three million seven hundred thousand dollars, of which forty-two million dollars were due in this country and the remainder in Holland, France, and Spain. There were no national courts and no executive departments as we now have them.

The first duty of the government was plain: "To pay the debts and provide for the general welfare of the United States"; to organize the executive departments and a national judiciary. Debts and running expenses required a revenue. Congress has the sole power "to lay and collect taxes, duties, and imposts, and to pay the debts of the United States." Therefore, the first thing to do was to

pass a bill to raise money. Congress was in session, and the Senate promptly confirmed Washington's nominations for heads of the departments: Thomas Jefferson, Secretary of State; Alexander Hamilton, Secretary of Treasury; Henry Knox, Secretary of War; Edmund Randolph, Attorney-General. The first three departments already existed, having grown up under the confederation. General Knox had been serving as Secretary of War; John Jay, as Secretary of the United States for the Department of Foreign Affairs; Robert Morris, as Superintendent of Finance. So Congress continued the old departments, changed the title of two, and defined the powers and duties of each by law. A new executive office, though not made a department, was created* when Edmund Randolph was appointed Attorney-General. Naval affairs were under charge of the War Department till 1798, and the Post Office under charge of the Treasury till 1794.† Nearly all the governors had a council; the President's council came gradually to be called the Cabinet.

Having created and filled the departments, Congress passed a tariff act, which Washington signed July 4, 1789. Soon the government had an income of two hundred thousand dollars a month. As the revenue for three months was sufficient to run the government a year, Congress soon had a surplus to apply on the debts.

On the day after its organization, the Senate appointed a committee to prepare a bill for a national judiciary. It was written by Oliver Ellsworth, who afterward became chief justice of the United States, and it became a law September 24, 1789. Washington appointed John Jay, of New York, chief justice.‡ Thus the government was organized during the first six months of its existence.

*The title of the department was changed to the Department of Justice, June 22, 1870.

†Congress by law fixed the salary of the President at \$25,000 per annum; Vice-President, \$5,000; Secretary of State (called for a time Foreign Affairs), \$3,500; other secretaries, \$3,000. The Speaker of the House, \$12 per day; members of Congress, \$6 per day and thirty cents mileage.

‡His salary, \$4,000 a year; the associate justices (at \$3,500) were James Wilson, of Pennsylvania; William Cushing, of Massachusetts; Robert H. Harrison, of Maryland; John Blair, of Virginia.

But Congress was confronted by a great debt, and there was much difference of opinion as to how it should be managed and paid. Finally, Congress directed Hamilton to report the debt in detail and to prepare a plan for its payment. He made an elaborate report, showing obligations which had been issued by the Congress since 1775, bills of credit, loan certificates, and paper money of all kinds, and the foreign debt; also, the obligations of the states; and he proposed that the United States should assume the entire debt, state and national. Congress should issue bonds to the full amount, pledging the faith and credit of the nation to pay principal and interest.

His plan at once found supporters and opponents in and out of Congress, but as a political measure it soon practically divided the people into two political parties: the Federalist, of which Hamilton himself was a leader; the anti-Federalist, or Republican, at first without a leader, but as soon as Jefferson arrived home (he had succeeded Franklin as minister to France) supplied with one who entered upon its organization and continued to be its chief for thirty years. Congress was quite unanimous for funding the debt of the United States, foreign and domestic. The Republicans objected to making the state debt a national debt, and chiefly, they said, because it subordinated the states and made them dependent on the general government, whereas they were "free and independent," and, some added, "sovereign." So this matter of the assumption of the debt involved a great political principle. The matter was partly settled by a political bargain.

As yet the country had no national capital. Some wanted New York; others, Philadelphia; others, a new "federal town" somewhere on the Potomac. One day Hamilton met Jefferson in front of the President's house in New York. He was greatly concerned over his assumption scheme, and it was likely to fall through. He presented it to Jefferson as the hope of the country. Without it the Union, he said, would go to pieces. Congress had just located the capital at Germantown, and the bill had gone back to the Senate for concurrence in some minor amendments. The southern members were opposed to it,

for they wanted the capital on the Potomac. Hamilton cared more for his assumption scheme than for the location of the capital; Jefferson cared more about the location of the capital than for assumption. A bargain was struck. Some of Hamilton's friends agreed to change their votes on the capital; some of Jefferson's agreed to change their votes on the assumption bill. Both measures were carried. The capital was located on the Potomac; the debts of the states were assumed by the United States, and all the obligations of the Union thus became the national debt—seventy-five million dollars.*

The immediate effect of assumption was the restoration of our national credit. About the best reputation a man can have is that he pays his debts, and in this respect a nation is like a man. The act of 1790, assuming all the debts, was one of the most important in our history. The United States thus became pledged to pay its debts, and passed revenue laws to supply the necessary funds. Let it be remembered that our prosperity as a people is principally due to our policy from the first of paying our debts. Trade, commerce, and manufactures at once started up vigorously. The capital at Washington is a magnificent monument to national honesty. Congress decided that the government should be located at Philadelphia from 1790 till 1800, and then be removed to the Potomac.†

How should the new government care for its money and transact its financial affairs? Like England, should it hand the matter over to a private bank, or go into the banking business itself? Hamilton, obedient to the request of Congress, made an elaborate report on public credit,

* This was principal and interest: Foreign debt, \$11,710,378; domestic debt, \$42,414,085; state debts (estimated), \$25,000,000. The state debts assumed, \$18,271,786.

† President Washington appointed commissioners to survey the territory on the Potomac. April 15, 1791, the first boundary-stone was placed, with Masonic ceremonies; the territory was named "The Territory of Columbia," and the capital, "The City of Washington." Major Pierre Charles L'Enfant was selected to lay out the town. The corner-stone of the "White House" was laid October 13, 1792; that of the capitol, September 18, 1793. The government offices were moved to Washington from Philadelphia in October, 1800. There were then about three thousand inhabitants in the District.

and advocated the establishment of a United States bank with a capital of ten million dollars, one-fifth to be subscribed by the government, four-fifths by the people at large. His purpose was twofold: first, to get the wealthy people of the country on the side of the government, and secondly, to centralize the business of the country in a national bank and its branches, and to make the fate of the government the fate of every enterprise in the country. All this the government was to do by making the bank one of issue, and by forbidding other banks to issue bills. Thus there would be one national currency, and national bank bills should be receivable for all debts, taxes, and duties.

Congress chartered the bank for twenty years, and Washington signed the act February 25, 1791. It was located at Philadelphia, with branches in the principal cities. It was so well managed that it paid sixteen per cent a year, and proved a great public convenience. Never before had the people had so useful a means of conducting business. Its establishment strengthened the government with the people. During its existence it handled more than one hundred million dollars of public money without loss. But the Democratic Republicans opposed the bank. They wanted state banks. They said a national bank was unconstitutional. Jefferson held and advocated this idea.

The ordinance of 1787 contained a fugitive slave clause. In February, 1792, Congress passed an elaborate fugitive slave law, one of the "landmarks" in our history. It empowered the owner of the runaway slave to arrest him wherever found, and put at his disposal the great authority of the United States government, its courts, its Congress, its President. The law was only a special application of an article of the Constitution. It was frequently amended in later years, and became, as we shall see, an issue between political parties.

Many amendments had been proposed by the states when the Constitution was before them, and Congress carefully considered them all, and submitted twelve in 1789. The states ratified ten, which were adopted so soon after the original Constitution that they really form a part of it. They are in the nature of a bill of rights; were copied in

substance from the state constitutions, and are all in the nature of a limitation of the powers of Congress. They were ratified in 1789-1791.

The year 1792 may be taken as the initial date when political parties were well enough organized to have their principles pretty clearly defined.

The Federalists favored a national bank, a national currency, a strong national government.

The Republicans (Democrats) favored state banks, state currency, a weak central (federal) government, and strong state governments.

Chief among the Federalists were Hamilton, John Adams, Fisher Ames, John Marshall, John Jay, C. C. Pinckney, Rufus King, and Aaron Burr.

Chief among the Republicans were Jefferson, Madison, Monroe, Randolph, Elbridge Gerry, Albert Gallatin, and Levi Lincoln.

There were hundreds of lesser leaders of both parties all over the country. Political organization was carried on, slowly enough, by correspondence. Great mass-meetings of people from distant parts of the country were impossible, because there were no adequate means of travel. It is said that there are twenty thousand of Jefferson's letters in existence. Nowadays, party leaders write as little as possible; they and their followers travel and consult. In the beginning, the two parties differed as to the powers of government: the Federalists favored a strong national government, "supreme in its operations"; the Republicans favored strong state governments, which should interpret the Constitution as a court of last resort, because, they said, the states made the Constitution.

In 1792, the second presidential election was held. Vermont had been admitted March 4, 1791, and Kentucky June 1, 1792, the one a free, the other a slave state. Fifteen states voted in the election. Washington was supported by both parties, and received all the electoral votes, one hundred and thirty-two; John Adams received seventy-seven, George Clinton fifty, Thomas Jefferson four, and Aaron Burr one. The defeated candidates were to be heard from again. In most of the states, the presi-

dential electors were chosen by popular vote. They were chosen by the legislatures in Connecticut, New Jersey, Pennsylvania, Delaware, South Carolina, and Georgia. Washington retained his old cabinet.

The West then began at the Alleghanies, beyond which lived quite a different people from those to the east. The West was quite shut off from the Eastern market, because there were no roads to reach it, and Spain levied a tariff on everything that passed New Orleans. What could the West do with its grain? It could not make flour at a profit, because it cost more to convey flour to market than it was worth. So the grain was distilled into whisky, which was marketable and of much value in little bulk. But the revenue act of 1789 levied a tax on whisky. Distilleries were common in the mountains from New York to Georgia, but most of them were inaccessible to the collectors. It was worth a man's life to venture tax-gathering over the mountains. The farmers near Pittsburg drove out the collectors and resisted arrest. The United States marshals reported their failures to the courts; the courts reported to the President.

Now similar news came from the Carolina mountains. But Pittsburg was accessible. The insurrection in 1794 covered nearly half the state of Pennsylvania. Washington, by the authority of the Constitution, called on the governors of Pennsylvania, New Jersey, Maryland, and Virginia for fifteen thousand militia to help execute the law. It was a test case: would the governors support the President in putting down an insurrection against the United States? The governors replied by leading the militia in person, and the insurrection was put down. Not a life was lost. Washington later pardoned the leaders, convicted of treason. The insurrection cost the United States one million one hundred thousand dollars; but it was a test case. It showed that the sentiment of the country was on the side of the national government, and that the people would support its laws. It was a triumph for the Federalist party.*

* In 1798 a similar test of the government grew out of "Fries's Rebellion" in eastern Pennsylvania. Congress levied a stamp tax, like that

CHAPTER XX

NEUTRALITY AND UNION

1789-1797

In 1789, the French Revolution burst out, affecting America as well as Europe. Louis XVI. "the friend of America," was executed in January, 1793, and in February the French Republic declared war against England. By the treaty of 1778, the United States had agreed to aid France in time of war against her enemies. Did the treaty hold? Should the United States remain neutral? With England we had a treaty of peace; with France a treaty of alliance (1778), and another of "amity and commerce" of the same date. France had possessions in the West Indies—the remnant of her once vast possessions in America. England would seize these. Should the United States aid France in retaining them?

Washington summoned his Cabinet, and the critical question was discussed. Hamilton maintained that the change of government in France, from kingdom to republic, put an end to the treaties. Jefferson argued that the treaties were both binding; he had been in Paris when the revolution broke out, and his sympathies were with the French. But though the two ministers could not agree about the treaties, they agreed with Washington that the United States should be strictly neutral. On the 22d of August, 1793, the President issued a "Proclamation of Neutrality." America would be friendly to England and France, but would favor neither power.

of 1765, and a direct tax on negro slaves, land, and houses. When the Federal assessors came into eastern Pennsylvania and began counting and measuring the windows of the houses (in order to fix values), the German population took alarm, and many, led by John Fries, made armed resistance to the authorities. Fries was indicted for treason and sentenced to be hanged. President Adams had called out the militia and suppressed the insurrection by force. He pardoned Fries.

This did not please France. On the 8th of April, 1793, the French minister, Citizen Genêt, arrived in Charleston, South Carolina, and at once issued letters of marque, and began fitting out privateers against English commerce, altogether conducting himself as if the United States were France. He met with ovations all the way to Philadelphia, and Jacobin clubs were organized by French sympathizers all over the country. But no Federalists were seen at any of their meetings. At Philadelphia, Genêt read the President's proclamation, but he ignored it, and actually succeeded in sending to sea the *Little Sarah*, a captured English ship, which he refitted as a French privateer. He determined to appeal to the country, thus treating Washington's proclamation with contempt. The President at once demanded his recall, and Citizen Genêt's three months' career came speedily to an end.

Genêt's wild course would soon have been forgotten had not the American people lost their heads. Probably more than half of them abused Washington and the government for insisting on neutrality. In thousands of excited gatherings, love for France, our friend, hatred for England, our enemy, were shouted and sung amidst the clink of glasses, the glare of torches, the din of fife and drum. The Republicans seemed to live at the coffee-houses—novelties lately set up—and everything French was imitated. We have never done so again, and we can now afford to smile. Men dropped their titles, time-honored, simple Saxon usages; called one another "citizen," embraced like Frenchmen; wore the French tricolor, and celebrated all the French victories. But not a Federalist did these things. So, after all, the furor was a political campaign by which the people of the United States were clearing up the skies of party politics. The Federalists stood with Hamilton and the President; the Republicans, with Jefferson.

The policy of neutrality was adopted strictly for our best interests, but it was a timely and friendly act toward England. That country, however, failed to respond. England had not yet removed her troops from the western posts. She discriminated against our commerce by still higher duties; she excluded us from the West India trade;

she treated our minister, John Adams, with meager politeness; she searched our ships and took off as many sailors as she chose, on the plea that they were Englishmen, and that "once an Englishman, always an Englishman." So there were several distinct points of difference between England and the United States, and England, instead of attempting to harmonize them when she heard of Washington's friendly proclamation, continued to insist on their continuance. These disputed points were as follows:

England held that all provisions on the way to her enemies could be seized as "contraband of war." We insisted that this applied only to munitions of war, and not to breadstuffs, our chief exportation. She insisted that the declaration of a blockade was equivalent to one, and therefore ships could be seized on the way to a blockaded port. We insisted that a "paper blockade" was of no validity. She insisted, and had insisted since 1756, that a neutral nation could not trade in time of war where she was forbidden to trade in time of peace. This conformed to the established policy of European nations having colonies, that there should be no "free trade" with these by other nations. We insisted that England had no right to prescribe the terms of our trade with French and Spanish colonies; that was our business with France and Spain; and she insisted that our ships, having the enemies' property on board, could be seized. We insisted that "free ships make free goods."

Now, in all these differences may be seen the old claims of European nations regarding their respective colonial rights in America; but the United States were no longer colonies. Either international law must be changed, or the United States must be treated as a nation, equal in every respect to any in Europe. By the time these differences were settled, two things had happened: international law was changed, and the United States was recognized as a sovereign nation.

No practice of England so deeply outraged American feeling as the impressment of our sailors. It was a practice as old as the British navy, and was sustained by many

decisions in the English courts.* English cruisers boldly entered our ports and took off seamen from the decks of our ships, and even from private houses. American merchantmen were overhauled and left crippled for sailors. At last public sentiment could bear "the right of search" no longer. In 1794, Congress laid an embargo forbidding our vessels to leave American ports; and anxious to stop the rising tide of anger against England, Washington, in April, sent Chief Justice Jay to England as a special envoy to arrange all differences.

In March, 1795, Washington received Jay's treaty. It was somewhat a disappointment, but it was an improvement on the rather vague provisions of the treaty of 1783. Its good features were: British troops should at once be removed from the West; the northeast boundary (Maine) should be settled by a commission; negroes carried away by the British in 1783 should be paid for, and discriminating duties on American commerce should cease.

Its objectionable features were: Our claim of "neutral rights" in trade was rejected; the right of search was not given up; we could trade with the West Indies only in ships of less than seventy tons, and we should not export molasses, sugar, coffee, cocoa, or cotton to any part of the world. The treaty was to expire in twelve years.

The President called a special session of the Senate in June to consider the treaty, and it promptly struck out the West India and the export provisions. As soon as the terms of the treaty were publicly known, the country was swept by an excitement rivaling the late French furor. The treaty and effigies of Jay were burned at public meetings. Hamilton, while attempting to defend it in a public address at New York, was stoned. Assembly after assembly rained down resolutions upon Congress declaring the treaty

*Commenting on the "impress of shipwrights" mentioned in *Hamlet*, Act I, Scene 1, 75, Dr. Furness remarks, quoting Lord Campbell, "Such confidence has there been in Shakespeare's accuracy, that this passage has been quoted both by text-writers and by judges on the bench as an authority upon the legality of the press-gang and upon the debated question whether shipwrights as well as common seamen are liable to be pressed into the service of the royal navy." See *Hamlet*, Variorum Edition, Furness, Vol. I, p. 13.

unconstitutional. Washington was abused in terms which, he said, "could scarcely be applied to Nero, to a notorious defaulter, or even to a common pickpocket." For a long time the House of Representatives debated the treaty, claiming that it had the right to be consulted, as it made the appropriations to carry it into effect.

The question was a new one, and had to be settled. The Senate at last ratified, the President signed, and the House made the necessary appropriation.* Fisher Ames, in the first great speech made in Congress, settled the fate of the treaty in the House. Washington was right. The treaty, though unsatisfactory, was timely, for it saved us from war with England. Once in force, it was quite liberally interpreted, and the commerce of the country increased. Several important things are to be remembered about it:

It was the first treaty under the Constitution. It forever settled the question of the treaty-making power; the President and the Senate only can make a treaty.

It was favored by the Federalists and opposed by the Republicans, and it left several serious differences between England and the United States.

Amidst the excitement over Jay's treaty, another treaty of great importance was made, but it attracted little attention in the eastern states, though it was received with great satisfaction in the West. On the 27th of October, 1795, we made our first treaty with Spain, "of friendship, limits, and navigation." It fixed highly favorable terms of trade on the principle stated in the treaty, "that free ships shall also give freedom to goods." It fixed our southern boundary, from the Mississippi eastward on the thirtieth degree north latitude to the Atlantic, the present northern boundary of Florida. It permitted citizens of the United States for three years to use New Orleans as a port of deposit, subject only to "the hire of the stores" there. From thence they could ship wherever they chose. The effect of the treaty was immediate. All the farmers of the West could now float their produce to market by the great river and its tributaries. So vast was this trade, and New

* The treaty was proclaimed February 29, 1796.

Orleans soon proved so important, the attention of the country was for the first time directed to Louisiana.

The frontier, from Tennessee to the Great Lakes, was harried by the Indians from the summer of 1785 for ten years, and the British agents at Detroit were at the bottom of much of this savage work. General St. Clair, governor of the Northwest Territory, made a feeble inroad upon the tribes, but only incensed them to further ravages. They swept down upon the Ohio settlements and threatened the destruction of every white family west of Pittsburg. The fifty families at Presque Isle (Erie) were daily in expectation of attack. Washington, in 1791, approved a scheme for planting military posts from Cincinnati to the Chicago River. He intrusted their construction to St. Clair, and in parting from him, said repeatedly, "Beware of an ambuscade."

On the Wabash River, St. Clair was led by the wily Indians into an ambuscade from which only a few of his men escaped. His defeat was as complete as Braddock's, of unhappy memory. General Anthony Wayne was appointed to supersede him. He was a soldier, made careful preparations, and in 1794 completely destroyed the Indian power in the Northwest. The Indians sued for peace, and by the treaty of Greeneville ceded the land comprising the greater part of northern Ohio and southern Indiana. This was in 1795. Population now poured in so fast that Ohio was admitted as a state seven years after the treaty.*

In November, 1796, occurred the third presidential election. The Federalists supported John Adams, and Thomas Pinckney of Maryland; the Democratic Republicans, Thomas Jefferson and Aaron Burr. Tennessee had been admitted June 1, and sixteen states voted. The electoral vote was divided among thirteen men, not all of whom were candidates. George Clinton received seven votes, and Washington, though not a candidate, received two. The result of the election made Adams, a Federalist, President, and Jefferson, a Democratic Republican, Vice-

* See an account of this early migration, in my *Constitutional History of the American People, 1776-1850*, Vol. I, Chapter VIII.

President; he received sixty-eight votes, only three less than Adams. There was no convention, no political platform, no nomination of candidates. In ten states the electors were chosen by popular vote; in Connecticut, New York, New Jersey, Delaware, South Carolina, and Georgia, they were chosen by the legislatures.

Washington, who had now been in public life for nearly twenty years, declined a re-election. If we go back as early as the French wars, he had been serving the public forty-five years. He felt that he had earned repose. Before retiring from office, he issued a farewell address, full of wisdom, to his countrymen. He had tried to be free and non-partisan as President, but he had found it impossible. His two great cabinet ministers constantly disagreed. Jefferson resigned in 1794, Hamilton in 1795. But Hamilton never lost his influence with Washington. His administrations were Federalist. With wisdom unexcelled in history, he had started the new government, and had firmly laid its foundations. In doing this he was aided chiefly by the eminent men whom he had learned to trust during the Revolutionary War, and especially during the making and the ratification of the Constitution. The world is now full of his fame. In his farewell address to the American people, he urged upon them "the immense value of national union, unrestrained intercourse between North, South, East, and West; the continuance of the Union as the primary object of patriotic desire; the maintenance of public credit and good faith, and justice toward all nations; entangling alliances with none. The great rule of conduct for us," said he, "in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible; if we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; it is our true policy to steer clear of permanent alliances with any portion of the foreign world."

CHAPTER XXI

THE FALL OF THE FEDERALIST PARTY

1797-1801

Though Washington's administration left the country prosperous and he had given the people good advice, the Union was yet weak, and neutrality seemed, as yet, only a piece of Federalist policy. Adams was inaugurated March 4, 1797. He retained Washington's Cabinet, a grievous error, as that body was not harmonious, and the Federalist party was already rent by factions. France was angry at us for making a treaty with England instead of fighting her. Washington, greatly desiring peace, had sent Charles Cotesworth Pinckney as minister to France, but the French Directory refused to receive him unless he could promise that the United States would practically join the French Republic in its war with England. Moreover, the Directory gave notice that no American minister would be received on any other terms. Here was a sudden and severe test of the doctrine of neutrality and peace. Adams was indignant at this insult to our minister. Congress was summoned, and war was imminent; but at last the President decided to send a special mission to France.

John Marshall, a Federalist, and Elbridge Gerry, a Republican but long a personal friend of Adams, were sent to join Pinckney. Now, the special mission was a suggestion of the Republicans. Soon after arriving in Paris, in October, 1797, our commissioners were met by three persons who claimed to represent the Directory. Interviews and diplomatic notes followed. Finally, the French agents spoke out plainly: "It is money; it is expected you will offer money, fifty thousand pounds, for the pockets of the Directory." That meant fifty thousand dollars to each director. Moreover, the American envoys should officially apologize for the President's message to

Congress in which he had said that "we shall convince France and the whole world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority." When the American envoys finally comprehended the French demand, Pinckney replied, "No, not a sixpence." The envoys sent all the correspondence to the President, the names of Talleyrand's agents being altered to Mr. X, Mr. Y, and Mr. Z. As soon as the dispatches were made public, they and the mission were nicknamed "X, Y, Z," and the reply of our envoys was echoed in the popular cry, "Millions for defense, but not one cent for tribute."

When news of all this reached America, the people united as never before, Federalists and Republicans vying with one another in expressing indignation against France. The tricolors which had been hung in the coffee-houses three years before were torn down and trampled in the street. Resolutions from hundreds of mass-meetings all over the land poured in upon Congress. The two French treaties were suspended. The cry was, "War with France!" And the Federalists secretly smiled as they saw the old black cockades of Revolutionary days—the Federal party badge—worn by the Democratic Republicans. Party distinctions were for the time forgotten. Congress did not declare war, but it prepared for one. Washington was made lieutenant-general, a navy was begun, and the Navy Department created. Troops were enrolled, and all the principal coast towns were busy building forts and throwing up earthworks.

Hardly was all this preparation begun before the ocean was dotted with American privateers, this time in search of French merchantmen. The French West Indies were the objective of our attack. Besides this swarm of privateers, our navy of thirty-four frigates and lesser vessels was scouring the seas in search of French ships. Most famed of our frigates was the *Constellation*, thirty-eight guns, Captain Thomas Truxton. In February, 1799, he captured the thirty-eight-gun frigate *L'Insurgente* in the Caribbean Sea, and a little later captured the *Vengeance*, fifty-four guns, after a fierce fight.

The Directory began to realize that President Adams

would not apologize for his message to Congress, but would make good his words, and it notified our government that it would receive envoys if they were sent. Nowadays, we would say under the circumstances, "No, send us a mission first"; but as war had not been formally declared and as we wanted peace, the President, in 1799, sent Oliver Ellsworth, famed as the author of the judiciary act, and then chief justice; William Richardson Davie, one of the signers of the Constitution, and a popular governor of North Carolina, and William Vans Murray, an able lawyer, as special envoys. When they reached Paris, they found that another revolution had swept the Directory out of existence. Napoleon Bonaparte was first consul of France. On the 30th of September, he concluded a treaty with our envoys of "peace, commerce, navigation, and fisheries." We were destined to have transactions of vast importance with Napoleon during the next few years.

The current of feeling hostile to France swept a Democratic majority out of Congress and a Federalist majority in. Believing that the opportunity had now come to weaken their opponents and to strengthen themselves permanently, the Federalists determined to strike at what they thought was the source of Democratic strength—the foreign vote, and the newspapers, the pamphleteers, and orators who were accustomed to abuse Washington, Adams, Hamilton, the Federalist party, and Federalist measures generally. Immigration had scarcely begun, but most of the aliens in the country were hostile to the Federalists, because the Federalists were friendly to England, and most of the aliens were Irishmen or Frenchmen. After an exciting discussion, in and out of Congress, two acts were passed, June, 1798.

The alien act empowered the President, at his discretion, to order any alien out of the country if he thought him "dangerous to the peace and safety of the United States," or "concerned in any treasonable or secret machinations against the government." In case the alien, warned to depart, was found in the country, he could be fined and imprisoned for three years. The act was to expire in 1800.

The sedition act was more severe. Any person who

defamed the President, or either house of Congress, or stirred up sedition against them, should be liable, in any national court, to a fine of two thousand dollars and imprisonment for two years. Hereafter, in order to become a United States citizen, a foreigner must reside in the country fourteen years.

The sedition law was immediately enforced, and a few editors of Democratic Republican papers, and among them a noted pamphleteer and writer, a friend of Jefferson, named Callender, were arrested. Hamilton had not approved of the laws. "Let us not establish tyranny," he wrote concerning it. While the Democratic editors were silenced, the Federalist editors were allowed to say what they chose. Little did the authors of the alien and sedition laws foresee the consequence of their legislation.

Amidst the excitement of the French war and the discussion of the alien and sedition acts, on January 8, 1798, President Adams, in a message to Congress, announced the adoption of the Eleventh Amendment to the Constitution. It originated in 1794, from a decision of the Supreme Court that a private citizen could sue a state of which he was not a resident. The amendment takes the question entirely out of the judicial power of the United States and leaves it wholly with the state. This was a fatal blow to one of the doctrines of the Federalist party—the supremacy of the national judiciary power.

The alien and sedition laws, in Jefferson's opinion, violated the principles of American government. He determined to organize public opinion against them and to overthrow the party that had enacted them. This he would do through the ancient sources of power, the assemblies. He wrote a set of resolutions, which the Kentucky legislature adopted; and another set, written at his instigation by Madison, was adopted by the legislature of Virginia. Though varying in their language, the two resolutions agreed: that the Constitution of the United States is a compact, or agreement, to which the states were equal parties, and that "each party has an equal right to judge for itself" whether the Constitution had been violated, and what the redress should be.

As to who was to apply the remedy, the Kentucky resolutions said, "each state"; the Virginia resolutions said, "the states"; but both agreed that the alien and sedition laws were "unconstitutional and void." The Virginia resolutions were sent to all the state legislatures. Seven states, Delaware, Rhode Island, Massachusetts, New York, Connecticut, New Hampshire, and Vermont, formally replied early in 1799, and sustained the constitutionality of the laws. Kentucky rejoined with a second set, in November. Speaking of the Constitution and any infraction of it, these resolutions declared, "That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infraction; and that a nullification by these sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy."

Here were two doctrines of vital importance to the people of the United States: that the states are sovereign, and that they can nullify an act of Congress, if they judge it unconstitutional.

Madison had resigned his seat in Congress to carry the set of resolutions he had written through the Virginia legislature. After the replies of the seven states were received, Madison, as chairman of the committee of the Virginia house of delegates, drew up a very long and elaborate report, relative to them; to the alien and sedition acts, and to the Virginia resolutions. It stated the principles of the Democratic Republican party. It reaffirmed the resolutions: that the states made the Constitution and were judges of its infraction. Madison did not declare the state sovereign, nor did he use the word nullification. He said (in the language of the resolutions) "that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the compact (i. e., the Constitution), the states, who are parties thereto, have the right and are in duty bound to interpose, for arresting the progress of the evil and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them." This was the famous "doctrine of 1798," which was of dominating importance for the next fifty years.

If this mass of resolutions seems hard to understand, it may easily be remembered that Jefferson and Madison used these resolutions as the most effective way of rousing the people against the Federalist party. The doctrine of 1798, states rights, states sovereignty—they are two very different ideas—was essentially a party platform, and the oldest in our history. The leaders of the Democratic Republicans were getting the country ready for the presidential election of 1800.

The sixth Congress had just assembled and was about to enter upon business when John Marshall, arising in his place in the House, announced the death of Washington at Mount Vernon. He had been a national figure so long, he seemed a permanent part of American institutions. Party rancor was now for a time hushed, and all hastened to do honor to the man "first in war, first in peace, and first in the hearts of his countrymen." In France, Napoleon ordered public mourning for him; and the commander of the British fleet, Lord Bridport, ordered the flags on his sixty men-of-war to be lowered at half-mast. Washington is one of three moderns of whom, it may be said, the world never gets through talking and writing. Franklin had died in April nine years before. A century has tried their works and their words. Like Lincoln, they belong to the ages.

In the last years of Adams' administration, the summer and fall of 1800, the offices, the clerks, and the archives of the government were moved from Philadelphia to Washington. Never was a drearier town made the capital of a great nation. The city which to-day is one of the finest in the world was then a straggling village, abounding in scrub-oaks and pines; its roads, of deep, yellow mud, quite like tunnels through the wild woods. Two wings of the capitol were scarcely ready for the Houses; the President's mansion was only partly finished. Mrs. Adams dried clothes in what is now the blue room of the White House. All this newness was the newness of desolation. One of the common objections to the town at the time was that it was too far west.

The tactics of the Democratic leaders, the folly of Federalist legislation, and the will of the people now

wrought a change in the national government. There were no conventions, no platforms. The Federalist members of Congress met in caucus and named John Adams and C. C. Pinckney of South Carolina, and Thomas Jefferson and Aaron Burr were named in like manner by the Democratic Republicans. Sixteen states voted, and in eight, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Delaware, South Carolina, and Georgia, the electors were chosen by the legislatures. When the electoral votes were counted, February 11, 1801, it was found that Jefferson and Burr had each seventy-three, Adams sixty-five, and Pinckney sixty-four. No one had a majority, and by the Constitution the election went to the House. On the 17th, the thirty-sixth ballot was taken; ten states voted for Jefferson, four for Burr, and two cast blank votes. Jefferson was declared President and Burr Vice-President. The Federalists distrusted Jefferson, but they feared Burr. Hamilton, so long the political opponent of Jefferson, had been instrumental in making him President. Burr resolved on revenge.* It is worthy of remark that Jefferson, the author of the Kentucky resolutions, which set forth the doctrine of state sovereignty, was chosen President by the House of Representatives voting by states.

But the election of a Democratic chief magistrate was not the full extent of the change that had swept over the country. Both houses of Congress were overwhelmingly Democratic. A new party had come into power, and save for a very brief interval, this party was destined to remain in power till 1861. Just before President Adams left office, Chief Justice Ellsworth died, and John Marshall was appointed to the head of the Supreme Court. Marshall was a leading Federalist, and in his appointment, the most important Adams ever made, he put at the head of the court, as time proved, for thirty-four years, the greatest judge America has known. For many years the court was not in sympathy with the opinions of Jefferson and the Democratic party. Before following the course of the new party and men in power, let us take a glance at the people who had elected them.

* He killed Hamilton in a duel in 1804.

CHAPTER XXII

THE WAYS OF THE NEW NATION

1776-1800

The people of the United States were first accurately counted in 1790, when it was found that they were a little less than 4,000,000 (3,929,214), of whom only 131,000 lived in cities. Only a small part of the country was inhabited, five-sixths of it being yet a wilderness. The frontier had not changed much since 1776. There were about 760,000 negro slaves. In the order of population, Virginia stood first (748,000), Massachusetts, with the District of Maine, second (475,327), Pennsylvania third (434,000), North Carolina fourth (394,000), New York fifth (340,000), Maryland sixth (320,000), South Carolina seventh (249,000), Connecticut eighth (238,000), New Jersey ninth (184,000), and New Hampshire tenth (141,000). Then followed Vermont, Georgia, Kentucky, Rhode Island, Delaware, and Tennessee. Mason and Dixon's line very nearly divided the population equally; there being nineteen people north to every eighteen south of it. This line also divided the country into the farming states and the planting states. This line and the Ohio River also divided the states into slave or free. But New York and New Jersey had not yet abolished slavery, so they must be added to the column south of the line.

The Americans were a nation of farmers. Only six towns had over 8,000 people. Charleston with 16,000 and Baltimore with 13,000 were the only large cities of the South; New York with 33,000, Philadelphia with 28,000,* and Boston with 18,000, the only large cities of the North. All these towns had a rural look. The houses were in the midst of spacious gardens. Indeed, many of these gardens

* Two suburbs of Philadelphia, Northern Liberties and Southwark, had some 15,000.

were small farms. The streets were unpaved, and lighted dimly by oil lanterns, but only in the business portions. The night-watch patrolled the town, called the hours, and questioned all loiterers after nine o'clock. Every householder kept a leathern fire-bucket, hung near his bed, and belonged to a fire company. Baltimore lighted its streets and organized a day police in 1783. Cincinnati and Louisville, Kentucky, were founded in 1780; Pittsburg, in 1784; Harrisburg, in 1785; Binghamton and Syracuse, in 1787; Marietta, Ohio, in 1788; Washington, in 1793; Dayton, Ohio, in 1794, and Cleveland, in 1796.

Farm labor was done with oxen and by hand, with clumsy wooden plows and heavy hand-made tools. Not until 1797 were cast-iron plows introduced. The farmers were long prejudiced against them, saying that the iron would poison the land and ruin the crop. Wooden plows with a short iron point continued in use as late as 1850. In the North, farm labor was paid not over forty cents a day, and commonly rum was included. Grain was cut with a sickle, and the cradle was yet in common use as late as 1835. It was a pretty sight, in haying-time, to see twenty or thirty men swinging their scythes with a common stroke and marching through the tall grass, each man cutting his three acres a day. Wheat, oats, and rye were threshed with a flail, or trodden out by oxen. The rich farmer kept a man threshing all winter. If one turns to an almanac of the time, he will see a rude picture of the thresher at the top of the page, from November to March.

In the South, skillful overseers directed the slaves. The tobacco was stripped, and baled or put into casks; the cotton, cleaned and baled. One laborer could clean about six pounds a day. In 1793, Eli Whitney, a graduate of Yale, and at the time a tutor in a Georgia family, invented the cotton-gin, which, in its first rude form, enabled a laborer to clean a thousand pounds a day. He had made one of the great inventions of the age, and had increased the value of slave labor beyond human calculation. In 1792 the export of cotton was only 138,328 pounds, in 1795 it was 6,276,300, and this was only the beginning of the domain of "King Cotton." Not alone did it increase

the acreage and the profits of the crop in the South; it soon started scores of cotton-mills in the North, and gave a new impetus to slavery. North and South participated in the profits of slave labor.

In proportion to population there were more school and college bred men in the United States from 1776 to 1800 than in England, France, or Spain. Of the fifty-five men who made the Constitution, all were not only of exceptional ability, but also of extensive knowledge. Franklin, though not a college man, was the first American who can be called a man of letters. Washington was not a college man, but his writings, which fill a dozen octavo volumes, attest that he was a master of sound sense, a practical man in every way. But among this company of statesmen were five graduates of Princeton; three each of Yale, Harvard, and William and Mary; two of Pennsylvania, and one each of Columbia (then King's College), Oxford, Glasgow, and Edinburgh. The clergymen of the country were frequently men of fine classical training, but many of the circuit riders knew only their Bibles and their duty.

As early as 1751, medical lectures, the first in America, were delivered by Dr. Thomas Cadwalader in Philadelphia, and in 1768 the college of Philadelphia had ten "bachelors of medicine." Philadelphia was the scientific center of the country. In 1790, James Wilson, an associate justice of the United States Supreme Court, began the first course of law lectures in America, at the University of Pennsylvania, in the presence of President Washington and his Cabinet, both houses of Congress, and the executive, the legislative, and judicial branches of the government of Pennsylvania and Philadelphia. This was the beginning of the first law school in America.

When, in 1788, the Ohio Land Company set apart land for a college and for public schools, the beginning of the American common school system as we know it was made. At least one-sixteenth of the public domain has been appropriated to the support of free schools.

Newspapers and magazines as we know them did not exist. There are now over twelve thousand periodicals issued in this country. Down to 1800 there had not been over

forty-five. Of these, twenty-one bore the title "Gazette," with the name of the state or town prefixed. Franklin started the first magazine, *The General Magazine and Historical Chronicle*, in 1741, in Philadelphia. The first daily paper, *The Pennsylvania Packet*, or *The General Advertiser*, was published in Philadelphia in 1784. The first newspaper exclusively devoted to commercial interests was *The Boston Prices-Current and Marine Intelligencer, Commercial and Mercantile*, 1795. Two years later the first medical magazine, entitled *The Medical Repository*, was published in New York City.

The newspaper was usually of two sheets, covered with business advertisements, notices of runaway slaves and apprentices, of lotteries, and of the arrival of barques and packets. It printed a few letters from various parts of the country. These were private letters which, being possibly of general interest, the receiver had lent to the editor. Editorials were unknown until about the time of the French excitement during Washington's administration. They were usually abusive and often libelous. The type was frequently bad, the paper coarse, and all the illustrations crude. As means of travel were lacking, a newspaper rarely had a circulation twenty miles from its press. Two hundred names made a long list of subscribers. The most common books were the Bible and the almanac. The New England almanac, and Poor Richard's, the latter Franklin's, were the most celebrated.

There were, however, some fine specimens of the art of printing done, especially in Philadelphia, Germantown, New York, and Boston. Franklin's printing-house in Philadelphia turned out editions of the classics, of the laws, and some miscellaneous books, equal to any now made. The state laws (1776-1800) were usually well printed. In 1783, Noah Webster brought out his *American Spelling Book*, the first of its kind in this country. It ultimately reached a sale of millions of copies, and is still in use. In 1789, Jedediah Morse published the first geography of the United States, and it continued in use for over fifty years. The maps and the description were in separate books. The schools soon made a market for text-books. If a col-

lection of school-books from all countries since 1776 could be made, ours would be found to have published the greater number, the most expensive, and the best.

Of famed books written by Americans, during the last quarter of the eighteenth century, there were two, the *Federalist*, the joint production of Hamilton, Madison, and Jay, in 1787-88, though the greater part was by Hamilton; and Jefferson's *Notes on Virginia*, written in 1782, and published first in Paris, probably in 1785, and in America in 1787. More famed than these is Franklin's *Autobiography*, written in 1757-59, and published in 1789.

With the return of peace came the muses, and they indited many odes, elegies, and tragedies. Joel Barlow, Francis Hopkinson, Philip Frenau, and Jonathan Trumbull published freely during these years. Most famed of their writings was Trumbull's "*McFingal*," completed in 1782. Thomas Paine's *Age of Reason*, the first part of which appeared in France in 1793, and was suppressed, was completed and published in America, three years later. His *Crisis* (1776-1783), *Rights of Man* (1791-92), and *Dissertation on the First Principles of Government* (1795) were considered classic for a time by the more ardent Republicans.

Of single poems during this period, the best known is Joseph Hopkinson's *Hail Columbia*, written in 1798, and sung for the first time in a Philadelphia theater in honor of the President, John Adams. The author was the son of Francis Hopkinson, one of the "Signers," whose *Battle of the Kegs* (1779) had made him the most popular American verse-writer of his generation. The essayists of the time were rather heavy writers. The best known are Benjamin Rush, Noah Webster, Matthew Carey, and Francis Hopkinson. The poems of the negress, Phillis Wheatley Peters, published at Albany in 1793, were considered by the friends of her race convincing proof of the natural abilities of the negro.

Charles Brockden Brown, the first American novelist, published *Alcuin*, *Wieland*, *Ormond*, and *Arthur Mervyn*, from 1797 to 1800. Samuel L. Mitchell, professor of chemistry in Columbia College, and one of the first United

States Senators from New York, edited *The Medical Repository*, founded in 1797, the first scientific journal in America, and he contributed many articles on chemistry. Rush's *Account of the Yellow Fever in Philadelphia* (1794) remains one of the most valuable historical pamphlets of the time.

Probably the most popular book written during these years was Weems' *Life of Washington*, published in 1800—a fountain of fables and traditions about the first American. It is Weems who serves up the story of the cherry-tree and the hatchet. This book passed through many editions; it is one of the seven books which Lincoln read in his boyhood.

Lindley Murray's *English Grammar* (1795) and *English Exercises*, though not literature, helped make it, as they continued to be popular text-books for half a century. Noah Webster's *American Atlas*, published in the same year, was the first of its kind prepared in this country. Webster's *Grammatical Institute of the English Language*, which combined reader, speller, and grammar, begun in 1783, was completed two years later, and became the most popular text-book ever in use in this country. Millions of copies have been sold, and it is still in use. It ranks among American text-books as his dictionary (1806) has ranked among English dictionaries.

John Adams' *History of the Principal Republics of the World* (1794), Robert Proud's *History of Pennsylvania* (1797), Hannah Adams's *History of New England* (1799), Belknap's *History of New Hampshire* (1784), and David Ramsay's *History of the Revolution of South Carolina* (1785) are still read by scholars.

John Adams' *Defense of the Constitutions of the United States* (1787) and his *Discourses on Davila* (1789-90) were written to explain the American system of government to foreigners as well as to establish political principles held by the party to which Adams belonged. Only by a liberal use of the word literature can it be said that American literature from 1776 to 1800 was enriched by fifty books, though thrice that number might be named. Of the fifty, only one is now widely read, Franklin's *Autobiography*. This classic has appeared in many languages

and in many editions. It is the one American book of profound personal interest and faultless style which the eighteenth century produced.

During the eighteenth century no American wrote poetry, though many wrote verses. The first American poet was William Cullen Bryant, who was born in Cummington, Massachusetts, November 3, 1794. In his eighteenth year he published *Thanatopsis* and *The Ages*, and he continued his literary work until 1873. Bryant and Washington Irving began their literary life about the same time (1808), and are justly styled the fathers of American literature. American prose literature begins with Irving's, *Knickerbocker's History of New York* (1809); American poetry, with Bryant's *Thanatopsis*, the first draft of which was prepared some years before the poem was printed. Irving was born in New York City, in 1783.

Good roads were lacking everywhere. Members of Congress came from distant parts on horseback. Public coaches were quite unknown in the South and rarely used in the North. By 1796 there were four daily stages between New York and Philadelphia and one between Philadelphia and Baltimore. These stages were less comfortable than those now in use in remote parts of the country. About every sixteen miles the horses, and sometimes the driver, were changed. Forty miles a day was considered rapid transit. There were few bridges, and passengers were delayed by floods, were tipped over in rivers, stuck in mud-holes, were half frozen in cold weather, and tortured by dirt, heat, and smells in warm. With good luck the journey from Philadelphia to New York could be made in two days. It is now made in two hours.

At intervals along the road stood inns, or taverns, offering refreshment to man and beast. Bad roads, bad weather, and accidents made it necessary to be prepared to remain at the inns. Some of these could accommodate fifty people, but they had to sleep from five to eight in a room. A people who could stand all this were pretty likely to win in any war they undertook. People then found no more fault with the inns than they do now with the hotels. Breakfast was usually sixpence, dinner one shilling, supper one

shilling sixpence, and lodging one shilling, or about a dollar a day for the entire expense.

Immigrants found the way into the western country over what were called "the wilderness roads," the tracks which blazed the way for the railroads of half a century later. The principal roads at the North ran from Albany to Black Rock (Niagara), thence along the lakeshore to Sandusky and Miami. In Pennsylvania, these roads converged upon Pittsburgh, from which place emigrants went down the Ohio.

From Virginia, the Carolinas, and Georgia, the roads crossed the mountains, usually at the gaps, and beyond merged in the rivers or centered upon Lexington, Danville, Clarkesville, Knoxville, and Nashville. As many as thirty thousand people were known to have "gone West" in a single year. Not a day passed that did not witness the sinuous emigrant-train winding its way over the Cumberland Mountains, along the Mohawk Valley, or over the fertile meadows of the Western Reserve. Thus New England, Pennsylvania, Virginia, and the Carolinas were spreading toward the great river, and the laws, the customs, the religion, the dress, the ideals of different portions of the East were transplanted to the Mississippi Valley.

Though we were a nation of farmers, most boys in the North yearned to learn trades. The heavy, clumsy tools, the long days, and the customary treatment of boys on the farm—working them hard and giving them little or nothing as their own—drove them into other occupations. Thousands went to sea, and hundreds never came back. The oldest son usually inherited the farm. The girls got married. The younger boys "shifted for themselves." But to learn a trade was a serious business. Seven years must be spent as an apprentice. Board and clothes the first three years, ten or fifteen dollars in addition the next three, and the last, a suit of clothes and twenty-five dollars, were highly favorable terms. But let no one imagine that a boy had the bewildering multitude of occupations before him that exist to-day. He could learn to be a carpenter, a mason, a shoemaker, a tinner, a blacksmith, a cabinet-maker, a goldsmith, a printer, a painter, a rope-maker, a

paper-maker, a miller, or a tallow-chandler. But as there was not room for all the boys in these trades, many went West and took up land, paying seventy-five cents to one dollar and twenty-five cents an acre to one of the land companies. But some boys studied medicine with the village doctor, read law with the village lawyer, or theology with the village preacher.

If Washington, when he was inaugurated in 1789, had possessed the power to read the future, he would have seen a number of boys in the country who were destined to fame almost as great as his own. There was the infant James Fenimore Cooper, who began life in Burlington, New Jersey, about the time Washington became President, and who was to write, by and by, the most popular and some of the best American novels. Down in Petersburg, Virginia, was three-year-old Winfield Scott, who half a century later was to command the armies of the United States, and was to be defeated for the presidency in 1852 by a son of New Hampshire. In Orange County, Virginia, not far from Winfield Scott, lived a boy two years older than Scott, name Zachary Taylor, who also was destined to become a famous soldier, winning the nickname of "Never Surrender," and at last becoming President. Only a few squares from the President's house in New York lived a boy of six years who was named after the President, Washington Irving. One day he met the President in the street and was honored by being spoken to by him. When a very old man he liked to tell how Washington had put his hand on his head and wished him a prosperous life. The President would not have thought less of the rosy-cheeked boy could he have known that he was to become his biographer, and was to write books which remain among the classics in our language. Washington Irving was the only one of these "famous boys" who saw the inauguration of Washington. There were four other boys, each seven years of age, who were destined to most distinguished careers, and a fifth boy of twelve who was to divide with them the admiration of the people for half a century.

The four were: Daniel Webster, of Saulsbury, New Hampshire; John C. Calhoun, of Abbeville, South Caro-

lina; Thomas H. Benton, of Hillsboro, North Carolina, and Martin Van Buren, of Kinderhook, New York; the fifth boy was Henry Clay, the "Millboy of the Slashes," as the place of his birth in Virginia was sometimes called. These five boys were to enter public life together; were to compete for its honors, to share its responsibilities, to feel its disappointments, and to be political rivals for nearly forty years. One was to be Vice-President and then President; another was to be Vice-President, and like the other three, to fail of the presidency. But they were all to become eminent American statesmen. In Berkeley, Virginia, lived a boy of sixteen who was destined to fight in many an Indian war in the Ohio country, and to become President of the United States for one month, and to be the first to die in office—William Henry Harrison.

There were two young men, each twenty-two, whose birth and fortunes were very different. One of these was John Quincy Adams, son of the Vice-President, carefully educated, trained in diplomacy, and at this time completing his law course in the office of Theophilus Parsons, at Newburyport, in Massachusetts. The other, Andrew Jackson, had recently arrived in Nashville, Tennessee, where he was entering upon the turbulent duties of public prosecutor. Whether he was born in North Carolina or South Carolina is uncertain. But the people of the United States, especially in the Southwest, soon recognized his extraordinary powers. Had Washington foreseen the history of the next half-century, he would have seen these two youths, utterly unlike and mutually uncongenial, competitors for the great office of President—Adams once, and Jackson twice, successful. He would have seen in Jackson the most popular American from Jefferson to Lincoln.

There were other boys who became famous Americans, but these were the boys in Washington's time whose lives were to affect most deeply the course of letters and politics in this country. They were boys who won their own way in the world.

The seven long years' struggle for independence was a powerful agency in breaking down many class distinctions characteristic of colonial life, and in breeding a comradeship

that the country needed. In a letter written in 1798, Jefferson describes the Federalists as aristocrats. The party never enrolled the mass of the people. Its leaders were admired, rather than trusted. Washington was never as popular with the masses as Jefferson became later. The Federalist party, during its career of a dozen years, enrolled the "well-born," the merchants and the bankers. The Democrats were farmers, laboring-men, the ambitious youths who were born poor and obscure, like Jackson, or who were foreigners, like Albert Gallatin. It was the party of leather breeches; the Federalists were the party of silk waistcoats and silver knee-buckles.

Jefferson believed in "the rights of man," a term rather vague, but useful in political campaigns. He told the laborer, the mechanic, the frontiersman, that he ought to vote, and hold office if he wanted to, and above all things he ought to have his rights and help govern the country. Why, then, support the Federalists, who wanted to muzzle free speech and a free press by their sedition law? Why vote for a rich man, who would not know you after election day if you met him face to face? Why tamely submit to a stamp tax and a house tax and a land tax, when the war had been fought to abolish such evils? Why pay the President twenty-five thousand dollars a year, and work yourself for twenty-five cents a day? Why let the East hold all the offices and the West pay most of the taxes? It was time for the West to have its share. Had not John Adams signed commissions till after midnight of the last day of his term simply to give his friends fat offices for life at the expense of the taxpayers? Away with such a party. And the elections in 1800, "the land-slide of the Federalists," were the result.*

In nearly all the states the qualifications for voting remained as they were before 1776. The Federalists did not favor an extension of the suffrage. The Democrats advocated it, but had no opportunity to carry out their

*One particular object of Democratic attack was "The Society of the Cincinnati," formed in 1783 by the officers of the American army to perpetuate good feeling among them and their descendants and to extend aid to any of them or their families in distress.

ideas except in Kentucky and Tennessee, the two new states in the West. There they rejected religious qualifications. Kentucky required the voter to be a free white man; Tennessee required him to be also a freeholder. But the old practice of requiring ownership of fifty acres of land or more was not followed in the West.

With the approach of the Revolution and throughout the struggle many leaders of the people emerged from among them. Irrefragable proof of the profound meaning of the Revolution is given by the sudden appearance, the lofty character, and the immeasurable services of these men. They remain first and foremost in our annals, and seem to have given us all that we most deeply cherish. More has been said and written about them than any other Americans. They are the Fathers of the Republic. A hypercritical age, more concerned over its manners and amusements than its morals, has produced a cult of writers who please themselves and their readers by depicting "true" George Washingtons and Benjamin Franklins, dragging forth the human weaknesses of men as the true test of their strength. But the world rolls on through space; men come and go, and books pass into oblivion, and the Cromwells remain on the canvas, "wart and all."

Safe now for a century and more behind the ramparts of the Republic, some boldly venture to criticise the strategy and tactics of Washington, or the secret motives of Franklin and Adams, Hamilton and Jefferson. It is all well, for these and their peers among their colleagues stand the test. No man among those who gained the confidence of the American people and retained it from 1776 to 1800 has lost his place in the Hall of Fame. A century's research has not diminished or darkened the luster of their names. The names of Henry and Otis, and Gadsden and Peyton, and Hopkins and Blair, and Wythe and Morris are as familiar to us now as they were to their generation. The sayings of Franklin and Jefferson, of Adams and Pinckney, of Hamilton and Washington passed long since into the common speech of the Republic, and the ideas of these men are ever present in its ideals and public administration.

Thus the great Americans of the Revolutionary period

seem to belong to all time, and at the mere mention of their names their familiar figures stand before us. It was they who first fixed our standards in public affairs.

The period from 1776 to 1800 was one of great religious activity. The Revolution broke down forever much of that spirit of intolerance which had so long ruled in America. Bishop Asbury, the first American bishop of the Methodist Episcopal church, opened the first Sunday school in Virginia in 1786, and in the same year St. Peter's, the first Roman Catholic church, was erected in New York City. Two years later, mass was heard for the first time in Boston, and in 1789 the first convention of the "Protestant Episcopal church in the United States of America" was held in Philadelphia. In that year, also, the first American bishop of the Roman Catholic church in America was consecrated in Baltimore. Through the West went many preachers from New England, who met the people in vast camp-meetings. About the first things done when a new town was founded were to make a "church-bee" and build a meeting-house, a "school-bee" and build a "free school," and then select sites for a court-house and a jail.

In 1776, wooden pipes were laid in the streets of New York to convey water from a reservoir on the east side of Broadway, near Pearl Street. The supply was pumped from wells. In 1777, nails cut from cold iron were for the first time thus manufactured at Cumberland, Rhode Island. Some Hessians who had deserted from the British army began the manufacture of glass in 1780, in Temple, New Hampshire. Two years later, a firm in Philadelphia began manufacturing fustians and jeans. Louis XIV. was fond of gardening, and in 1785 sent the eminent botanist Michaux to the United States to collect trees and shrubs. He brought with him a few Lombardy poplars, which were among the earliest seen in this country.

A cotton-mill, the first in the United States, was started in Beverley, Massachusetts, in 1787, for the manufacture of corduroys and bedticks. This factory failed, but four years later the skillful Samuel Slater, of Pawtucket, Rhode Island, began the successful manufacture of cotton in New England. In 1793, he started the first cotton-yarn mill at

New Providence. In 1787, the manufacture of salt, on quite an extensive scale, was begun at Syracuse. The exportation of cotton began in 1785; one bag was sent from Charleston, one from New York, and twelve from Philadelphia. Over four thousand million pounds are now annually produced, and over two-thirds of this are exported. In 1790, the manufacture of brooms began, in Philadelphia; brooms had been made for a long time in the homes of the people for their own use.

In 1788, the first dentist's office in this country was opened in New York. The proper treatment of teeth was quite unknown. People went to the doctor or the barber to have their teeth pulled. The false teeth made at that time were a curiosity—and we may add, they would be now.

In 1790, on the 5th of June, people living along the Delaware were astonished to see a boat propelled by steam run from Philadelphia to Trenton in thirteen hours, upstream and against a strong wind and a strong tide. It was the steamboat (for it had no other name) invented by John Fitch. For four months it ran back and forth, stopping at intermediate points. It ran up one day and down the next. The fare was five shillings from Philadelphia to Trenton. Fitch was ahead of his time. His boat did not pay. He was neglected, wandered West, and died a suicide.

While hunting deer in Carbon County, Pennsylvania, a man named Günther accidentally discovered a bed of anthracite coal. The Lehigh Coal Mine Company was formed in Philadelphia, and coal was put on the market. But no one knew how to use it. Because it would not burn, it was called "stone-coal." Nearly thirty years passed before it came into general use. At the time of its discovery, houses were warmed by vast open fires of wood. Stoves were not yet in common use. Even the Franklin stove was a luxury. A coal stove was yet to be invented.

The Insurance Company of North America, the first of its kind, was established in Philadelphia in 1794. People thought it was "tempting Providence" to insure against fire and lightning, but they have quite abandoned this superstition. The fire insurance companies of the United

States now pay in fire losses more every year than the amount of the entire national debt in Washington's time. The first manufacture of cane sugar was carried on near New Orleans in 1796, and in the same year the first manufacture of morocco leather was undertaken at Lynn, Massachusetts. Great Britain would not allow the colonists to make even a straw hat. It was not till 1798, while the alien and sedition laws were the chief product of Congress, that straw-braid for hats and bonnets was made at Dedham, Massachusetts. This is a long list of industries, and shows that the Americans were fast becoming, industrially as well as politically, independent of the rest of the world.

When Washington was President, everybody who voted for him did not ask for a post-office. There were only seventy-five to distribute. To-day there are nearly seventy-five thousand. The people then used the post-office about as freely as they now use the Atlantic cable. Postage varied with the distance and was not required to be pre-paid. Adhesive postage-stamps were not yet invented. The amount due was written by the postmaster on the folded letter, and was collected upon delivery. Envelopes were not known. Nothing but letters could be sent by mail. The receipt of a letter was an event in a man's life, and he handed it to the editor to be printed for the information of the community. As newspapers could not be mailed, the post-boys were paid by the printer to distribute the papers. Sometimes a rival editor would bribe him to throw the lot into the river or the mill-pond. Then the two editors had something to say in their papers. Finally the public began to demand that their newspapers be sent them through the mails.

The wealthy and aristocratic families in the large towns formed an exclusive social set. They gave balls and assemblies, entertained in handsome style, kept horses and carriages, and lived much as the same class does to-day. Farmers' wives had "quilting-bees" and sewing-circles; their husbands and children joined them in "husking-bees," and the young folks had "paring-bees," to secure the proper supply of dried apples for the winter. Berries, apples, pears, pumpkins, and citron were dried and pre-

served. The art of canning was not yet discovered. Pop-corn, cider, molasses-candy, and apples were the usual refreshments at social evening gatherings. The cellar was well stocked with farm produce, and the boys could always find apples to pick over and potatoes to sort. Plenty of either could be had at six cents a bushel.

In the fall the farmer, and the townsman, too, "put down" a barrel of beef and another of pork and lived on salt meat all winter. In the spring it was quite the fashion to drink quantities of cleansing beverages stewed from elderberry, sassafras, wormwood, tansy, camomile, and boneset. In the fall, the good housewife gathered bundles of these roots and herbs in the old of the moon, also pennyroyal and catnip and peppermint and lobelia, and carefully hung them in the attic for instant use. A dose of nature, catnip, and mother was far safer than the ordinary village doctor's pills. But people lived in spite of their salt pork and wormwood, and that, after all, is the main thing.

With prosperity came migration, business speculations, and, as usual, new and finer houses. Whatever we may say of the ten thousand things our ancestors did not have from 1776 to 1800, we must admit that some of them had beautiful old colonial mansions—a notable American contribution to the architecture of the home. In New England, where the stones lay thick as leaves in the forest, the mansion was of stone or wood; in the middle colonies, where stones were deeper underground and clay was plentiful, they were often of brick; in the South, they were of brick or wood.

Colonial architecture has been revived in recent years, and it is enough to say that the colonial style of building suggests home comforts which appeal powerfully to an American.

It has been said that the character of a nation may be learned from its treatment of the unfortunate and criminal classes. America, tested by this standard through the last quarter of the eighteenth century, must be judged low down in the scale. The Constitution forbids cruel and unusual punishments, a provision which, though it may seem to some quite superfluous, is a witness that such

punishments were once commonly inflicted. Imprisonment for debt was common, and the cause of terrible suffering among the poor. Prisoners were turned loose into a common room, without distinction of sex or age or degree, or kind of offense. A jail of Washington's time would not now be tolerated. Lunatics were whipped and sewed up in strait-jackets. The deaf and the dumb received no help. The feeble-minded were sent to the poorhouse. So terrible a place was the poorhouse that to this day people shudder at the thought of being obliged to close their lives there, though now the county-house is usually a comfortable home. Undoubtedly life in America from 1776 to 1800 was in many ways coarser and less humane than it is to-day.

During the ten years ending with 1800, population increased to five and a third millions (5,308,483). The relative distribution north and south of Mason and Dixon's line was twenty-seven persons north to twenty-six south, and the order of the states in population changed. Virginia was first, Pennsylvania second, New York third, Massachusetts fourth, North Carolina fifth, South Carolina sixth, Maryland seventh, Connecticut eighth. The remaining states, in their order, were Kentucky, New Jersey, New Hampshire, Georgia, Vermont, Tennessee, Rhode Island, and Delaware. Ohio had forty-five thousand people, nearly enough by the ordinance of 1787 to admit it into the Union.

It will be noticed that the states that had gained most were: Pennsylvania, from third place to second; New York, from fifth place to third; Georgia, from eleventh place to tenth; Kentucky, from thirteenth to ninth; and Tennessee, from sixteenth to fourteenth. Ohio had gained almost its entire population during these ten years. Over two hundred and sixty thousand people had migrated to Ohio, Kentucky, and Tennessee during this time. This migration shows the restlessness of the times, and helps us understand the power of Jefferson's appeal to the West.

CHAPTER XXIII

THE RUIN OF AMERICAN COMMERCE

1801-1812

On the 4th of March, 1801, Jefferson was inaugurated in Washington. Not only was he the first President to assume office there, but his inauguration meant that a great change had come over the country. The nineteenth century opened with the Democratic Republican party in power in most of the states. Instead of nineteen Federalists and thirteen Democrats in the Senate, there were now nineteen Democrats and thirteen Federalists. In the House there were seventy-one Democrats and thirty-four Federalists. During the next sixty years (till Lincoln was elected President) the Democrats controlled Congress, except in four Congresses.* So practically the party which Jefferson organized, and which elected him in 1800, was in power sixty years.

Jefferson was a remarkable man. After graduating from William and Mary College, he read law with Chancellor Wythe, and soon obtained a lucrative practice. He was familiar with Latin and Greek, French and Spanish. He gave great attention to practical botany, to architecture, to science, and to philosophy. He regularly received all important books on these subjects published in Europe, and his library was said to be the most complete in America. He was a keen observer of nature, and kept a daily record of the weather, of the markets, and of the growth of various plants and their habits. He was profoundly versed in the principles of law and government. He possessed great mechanical skill, played the violin well, was a bold horseman, and was a master of the rifle. He wrote the Declaration of Independence and founded the University of

* House, Whig (1838-40); Senate and House, Whig (1840-42); House, Republican (1854-56; 1858-60).

Virginia. He had, perhaps, too much confidence in human nature. His religious ideas were liberal; his friendships wide and deep, and his personal following greater than that of any other man in our history. He would have been a leader of men in any age or country. Though differing from him at every point in politics, Hamilton at the critical moment gave him his influence and elected him President over Aaron Burr. To-day no name is more familiar to us than Jefferson's. His birthday is celebrated by annual banquets; Washington's, by a national holiday. Such celebrations signify that the ideas of these two men are living, powerful forces in the world to-day. But many Americans distrusted Jefferson in 1801, as others had distrusted Washington seven years before. Instead of delivering a long speech to Congress once a year, as Washington and Adams had done, Jefferson sent a written message, and his successors have followed his example.

The Democrats repealed the alien and sedition acts, cut down the navy and army, reduced salaries, abolished internal taxes, and in every way put into practice a favorite theory of theirs, that of a government "economically administered." The Federalists complained that this was all accomplished at the expense of efficiency. However, the new party could tell the people that they had reduced the national debt nearly forty million dollars in eight years.* Jefferson was his own adviser; his cabinet was capable, but more like a clerical body than a directive force in administration. He believed, and as far as possible put in practice, the following ideas: All offices should be elective and for a term of years. The term should be short. As many new men should be appointed as possible, so as to train the people in government. Expenses should be cut down. The annual revenue was \$10,800,000 in 1801, the annual expense \$3,500,000, leaving \$6,300,000 to apply on the debt. America should preserve neutrality in its foreign policy.

The army was reduced from four thousand to two thousand five hundred; fortifications in course of erection and ships on the stocks were abandoned. Of the thirteen frigates left in the navy, only six were in commission. The

*1801-1809.

revenue from customs increased so that the loss from the abolition of the internal taxes was not felt.

By treaties with Morocco, Algiers, Tunis, and Tripoli (1787-97), the United States agreed to pay tribute to these piratical powers as the price for trading in the Mediterranean. In 1800, Tripoli demanded more, and declared war. Jefferson had to fight. War was declared in 1802, but our navy was wholly unsuitable. Ships had to be built—much to the joy of the Federalists. Commodore Preble thoroughly concluded the business of American tribute to the Barbary powers, and these exactions came to an end in 1806.

By a secret treaty, Spain in 1800 ceded Louisiana west of the Mississippi to France. This vastly important transaction became known to Jefferson early in 1802. He showed a correct appreciation of the interests of the United States when he said that the power that controlled New Orleans and the Mississippi River was the “natural enemy” of the United States. Napoleon’s plans respecting Louisiana were, presumably, its occupation by French troops and a permanent tribute on all American commerce on the great river. The West, from Pittsburg to the Floridas, recognized its danger, and urged the immediate seizure of New Orleans. But Jefferson had a wiser plan. He would offer to buy both West Florida and New Orleans, and with consent of Congress he sent James Monroe to aid Robert R. Livingston, our minister to France, in the purchase. The day before Monroe reached Paris, Livingston had by treaty secured all Louisiana from Napoleon for fifteen million dollars.

This unexpected turn of affairs was caused by Napoleon’s war with England, and particularly by the utter failure of his expedition to San Domingo. He had abandoned all plans for American colonization before Monroe arrived, and to cripple England, into whose hands Louisiana might fall, he determined to sell it to the United States. The treaty of cession, April 30, 1803, added 1,182,752 square miles to the United States, at a cost, when all payments and claims were settled, of less than four cents an acre. It remains the largest real-estate transaction in our history, and the greatest event in Jefferson’s administration. On

the 20th of December, the Stars and Stripes were raised in New Orleans, "amidst the acclamations of the inhabitants," and the vast Louisiana country became American soil.

Except along the Mississippi from St. Louis to the Floridas, the country was as little known to white men as on the day Columbus landed. The treaty named no definite boundaries, because none were known. Somewhere in the new country—as Jefferson told Congress in a special message—there was a mountain, "said to be one hundred and eighty miles long and forty-five in width, composed of solid rock-salt," which, by the way, would be a deal of salt, what Bassanio would call "an infinite deal." Jefferson was too good a scientist to vouch for this mountain. The new country attracted him, and in May, 1804, he succeeded in starting Meriweather Lewis and William Clarke, at public expense, to explore it. At that time they left St. Louis, ascended the Missouri, spent the winter with the Dacotah Indians, near Bismarck, North Dakota, then followed the river to its source. Crossing the divide, they floated down the Clear Water to the Columbia, which brought them, in November, 1805, to the sea. They returned to St. Louis in the following year, and later reported their continental journey to Congress and the President. Nor was this all. Zebulon Pike, sent to find the headwaters of the Mississippi, in 1805, missed them, but continuing his explorations in 1806, discovered, ascended, and named the great peak in Colorado, passed to the southwest, suffered terrible hardships, was made a prisoner by the Spaniards, but at last reached home.

Beyond Louisiana lay California and the Oregon country. As early as 1792, Captain Robert Gray, in the ship *Columbia*, discovered the river to which he gave the name of his ship. Gray spent nine days in exploring it, and thus established the claim of the United States to all the country it drained. In 1811, John Jacob Astor established a trading-post at Astoria. What Gray had discovered and Lewis and Clark had explored was now utilized by the Pacific Fur Company, which Astor founded. A few settlements were made.

Meanwhile war between England and France was fiercely

raging, and in spite of our policy of neutrality we were the sufferers. Had we been a strong nation, neither William Pitt, son of that William Pitt at the head of the government when Washington and Braddock started for Fort Duquesne, and now Prime Minister of England, nor Napoleon, now Emperor of the French, would have dared to treat us as they did. Pitt wanted to keep all American supplies from France; Napoleon wanted to shut them out of England, and Jefferson had an idea that they were essential to both and that by withholding them we could practically dictate terms to both powers. In the end all three schemes failed.

For a dozen years American merchants had been getting cargoes in the French West Indies, bringing them into American ports, paying the duty, and then, without unloading, taking them to France. By our law ninety-seven per cent of the custom charges were paid back. This practically amounted to a direct trade between the French colonies and France in American ships. Napoleon liked it, but the British court of admiralty, in May, 1805, handed down a decision that goods thus transported were "contraband of war," and could be seized wherever found by English ships. The British government at once carried the decision into effect by overhauling American merchantmen and impressing our seamen. Though we were at peace with England, British gunboats were stationed off our ports to make such seizures. In 1804, thirty-nine American vessels were seized; before another year closed, the British had taken one hundred and sixteen of our vessels and upwards of one thousand of our seamen. Nelson's victory at Trafalgar made England mistress of the sea. We had no navy; we could only expostulate.

In November, 1804, Jefferson was re-elected, and George Clinton was chosen Vice-President. The Twelfth Amendment had become a part of the Constitution on the 25th of September, thus preventing a tie vote, in the future, such as had been cast in 1800. Jefferson and Clinton received 162 electoral votes, Charles C. Pinckney and Rufus King, the Federalist candidates 14. The legislatures chose the electors in six states, Vermont, Connecticut, New York,

Delaware, South Carolina, and Georgia. Ohio, the seventeenth state, was admitted November 29, 1802.

Napoleon in 1806 closed the ports of France and her dependencies against all English goods. Pitt responded, May 16, 1806, by declaring the coast of Europe blockaded from the Elbe in the north to Brest in the south. Napoleon retaliated on the 21st of November by issuing a decree from Berlin, that the British Isles were blockaded. Now it is a principle of international law that a blockade that is not, and cannot be, enforced, a mere "paper blockade," will not stand. But though France had no ships to guard the coast of England, nor had England a sufficient fleet to patrol the coast of the Continent, our ships going to either region were liable to capture, and many were captured. In brief, we were shut off from all Europe.

Pitt replied by an order in council, in January, 1807, declaring all neutral ships, trading between French ports subject to capture, and every French port blockaded. Moreover, where a British vessel could not go, no neutral could go, in any part of the world.

Then Napoleon issued from Milan, in December, 1807, a decree that struck the last blow. Any neutral ship that suffered an Englishman to search it, or that presumed to enter any port in the world that a French vessel could not enter, should be seized and confiscated.

Now, if an American has followed this succession of decrees, he may ask, "Where, then, could an American ship trade with safety?" Nowhere, because it might be captured by an English or a French warship, when engaged in the coast trade from Maine to Louisiana. Before the year 1807 was over, as the result of Napoleon's decrees and Pitt's orders in council, one hundred and ninety-four American ships were seized by the English—many off our own shores—and nearly as many by the French. We were in a fair way of being without a ship or a sailor before long. Meanwhile, in 1806, the Jay treaty with England expired. We were practically a blockaded nation.

Before explaining the President's policy, let us learn what the American people thought of the situation. War means waste. England and France were sorely in need of

supplies of every kind. If an American ship, by good luck, ran either blockade, it made a handsome profit. A cargo meant a possible fortune, and hundreds of American merchants willingly ran the risk. Most of the ships were owned in New England; and though this part of the country suffered most, there was not an insistent demand for war in that quarter. France controlled Spain, and Spain owned Florida, a country which Jefferson wished to buy as he had bought Louisiana; therefore he was blind to many French spoliations. But toward England he had no such tender feeling. He therefore adopted a threefold policy: to put the country into a state of defense, to make a new treaty with England, and to exclude all manufactured goods coming from England or her colonies.

The first was his "gunboat" policy. From 1806 to 1812, one hundred and seventy-six gunboats were built for our coast defense. Each was a small, rakish craft with one gun at the stern. In time of war, they were to crush the enemy; in time of peace, they should be hauled on shore and covered over with sheds. They cost the government one million seven hundred thousand dollars. If they did not harm the enemy, they furnished a great deal of merriment for the Federalists.

Jefferson, in December, 1806, sent James Monroe, and William Pinckney of Maryland, to England to negotiate a new treaty. They brought back one which allowed the impressment of our seamen and denied the American doctrine that free ships make free goods. Jefferson did not even send a copy to the Senate. So we were left without a treaty with England, and she consulted her own pleasure in the matter of searches and seizures.

Jefferson's "non-importation" scheme resulted in an act of Congress, of April, 1806, which empowered him to prohibit trade with Great Britain and her colonies at his pleasure, but the act was enforced only seven weeks.

English sailors were constantly deserting her ships and joining American crews. On a June day in 1807, the frigate Chesapeake was on her way down the Potomac, on a cruise to the Mediterranean. Commodore Barron did not know that there were several British deserters on board.

He had just passed the capes, when suddenly the British ship *Leopard* bore down upon him, and hailing, sent an officer and a boat's crew to search the Chesapeake for deserters. Barron refused to permit the search, whereupon the *Leopard* opened fire. The American was wholly unprepared and surrendered. Four men were carried away, three being American citizens. Three sailors were killed, eighteen lay wounded. The *Leopard* went on her way. The Chesapeake turned back to Washington with the news. Public excitement would have supported a declaration of war. But Jefferson had another scheme.

He issued a proclamation ordering every British ship to leave American waters. He summoned Congress in extra session, in October 1807. An embargo was laid on American shipping. Not a merchantman, sailing under any flag, could have clearance papers or leave an American port till the President should suspend the act. Ship-owners who for years had run the risk of ruin by venturing a cargo abroad, now saw themselves ruined by being compelled to keep their cargoes at home. The alternative was too great a temptation, and the embargo act was systematically evaded from the first. Smuggling became a fine art. American flour, bacon, pork, lumber, rice, got to Europe by way of Florida and Canada. Congress amended the law by more stringent provisions, and passed a force act in 1809, but to little purpose. Smuggling went on. After fourteen months of wearisome trial, the embargo acts were repealed, February 9, 1809. Jefferson was confident, however, that the embargo would bring England to terms.

The effects of the embargo were disastrous. In England it cut off trade to the extent of twenty-five million dollars and compelled a lowering of wages. British merchants asked the government to withdraw its orders in council. In France, Napoleon ordered every American vessel to be seized as lawful booty, since it was forbidden by act of Congress to leave home. In America, the embargo ruined trade, destroyed the market, left the farmers and planters with their crops on their hands, cut down customs from sixteen millions to seven millions, and practically ruined business.

In New England, there was an angry public sentiment towards the government. A non-intercourse law now took the place of the embargo act. Jefferson signed it, and thus confessed that the critical part of his policy, as President, had been a failure.

Like Washington, Jefferson declined a third term, and thus contributed to establish a presidential practice. His refusal to serve, though eight states through their legislatures, nearly half the Union, had invited him to do so, left the Republicans without a candidate. A caucus of members of Congress of the party formally named James Madison and George Clinton. Pinckney and King were again nominated by the Federalists. Of the electoral votes, Madison received 122, Clinton 113, Pinckney and King 47 each. James Monroe received three votes, and the venerable John Langdon, of New Hampshire, nine. The electors were chosen by the legislatures of six states, as in 1804. Madison had been Secretary of State with Jefferson. He now called Monroe to that office. Madison "followed in the footsteps of Jefferson."

In 1809, Congress repealed the non-intercourse act, which, like the embargo, had failed. American merchants could now trade with England and France, but the old decrees were in force between them. Congress went so far as to say that we would trade exclusively with the country that would rescind its orders or decrees.* Napoleon now agreed to withdraw his decrees on these terms, November 10, 1810. Madison thereupon gave notice that we would stop all trade with England, if she did not rescind her orders within four months. Napoleon's withdrawal of his decrees was only a drag-net for American cargoes. He drew the ropes to his net on Christmas Day, seizing all American vessels in French ports. He caught merchandise worth ten million dollars. Thus England would not recall her orders, and Napoleon had violated the law of nations.

Pinckney, our minister to England, demanded his passports and came home. The outrage done the Chesapeake was still unsettled. England sent another minister, replaced

* This was the "Macon Bill," and surrendered every principle at issue.

the three Americans on the deck of that ship (she had hanged the fourth sailor as a deserter), and began to talk peace.

While the British minister at Washington was talking peace, the *Guerriere*, a British frigate, overhauled an American merchantman just entering New York Bay and impressed an American citizen. As soon as this was reported to Madison, he ordered Captain Rogers of the *President* to find the *Guerriere* and demand the man. He fell in with a British ship, in the dark, compelled her surrender, and discovered at dawn that he had captured the *Little Belt*, a British frigate of twenty-two guns. Great was the popular rejoicing as the news flew over the country. All this occurred in May, 1811.

The long pent-up exasperation of the people was relieved by the election of the twelfth Congress. No sooner was it convened in November, than memorials poured in from all over the country, asking for retaliatory measures. The debates soon disclosed that it was a war Congress. Among the new members of the House were John C. Calhoun and Henry Clay, and Clay, though scarcely of age, was chosen Speaker. His voice, the voice of the West, was for war. On the 18th of June, 1812, war was declared against England. The war bill was the work of John C. Calhoun.

For several years the Indians in the Northwest Territory had been restless. Twin brothers, Tecumseh and the Prophet, of the Shawnee tribe, had aroused a widespread excitement among all the tribes. A vast Indian confederation was planned. In September, 1809, General Harrison, by treaty at Fort Wayne, obtained a cession of nearly three million acres to the United States. Tecumseh and the Prophet declared the cession void, and hostilities began. Harrison discovered that the hostile tribes had been secretly approached by British agents and that the brothers had been encouraged by them to make war against the United States. On November 7th, a great battle was fought at the Prophet's town of Tippecanoe. Harrison won a victory, but dearly. Tecumseh and his brother now joined the British in Canada. But the settlers in the Northwest

breathed freely. Harrison had forever freed the Ohio country from the fear of an Indian outbreak. Immigration at once turned toward the late Indian lands. Clay and the other western members were thinking of Tecumseh and the frontier when they had urged war with England.

On June 1, 1812, Madison had sent a message to Congress which declared the causes for war: The impressment of thousands of American citizens, the "sweeping system of blockades" which had "plundered our commerce in every sea," and "the warfare just renewed by the savages on one of our extensive frontiers" due to "British traders and garrisons." British cruisers had been in the practice of violating the rights and the peace of our coasts. They hovered over and harassed our entering and departing commerce. "On the side of Great Britain," he said, there existed "a state of war against the United States, and on the side of the United States, a state of peace toward Great Britain."

CHAPTER XXIV

THE SECOND WAR FOR INDEPENDENCE

1812-1815

The population of the United States in 1812 was about 8,000,000; that of England, about 20,000,000. Our annual revenue was \$9,000,000; hers was \$350,000,000. The war cost us \$30,000,000 a year, so that we were obliged to go in debt about \$98,000,000. England, in 1815, had a debt of \$4,300,000,000, which was not felt as a burden. Our loans were at a discount, because our financial system was not settled, and Congress had refused to recharter the United States Bank in 1811. In England the war, whether against Napoleon or America, was very popular.

We were a divided people. The Federalists opposed the war, nicknamed it "Madison's War," and gave the government a lukewarm support. Something of the spirit of faction is suggested by a speech of a Federalist, Josiah Quincy, of Massachusetts, in Congress, when the bill to admit Louisiana into the Union was under discussion in 1811. "If this bill passes," said he, "it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the states from their moral obligation; and as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation; amicably, if they can, violently, if they must." This was going further than the Kentucky resolutions of 1799.

The regular American army consisted of six thousand seven hundred men. So unpopular was the service that the government offered pardons to deserters if they would return. During the war, the army became thirty-four thousand men, including officers. The British army was commanded by officers of whom Wellington was chief. Ours was commanded by civilians and by aged Revolutionary heroes, mostly as incapable as they

were infirm. The younger and abler men were given no chance.

Our navy consisted of twelve vessels, of which the frigates *Constitution*, *President*, and *United States*, each of 44 guns, were the largest. Our navy was manned by 5,500 sailors, of whom 1,500 were marines. The English navy consisted of 830 vessels, manned by 150,000 seamen, and had power to impress without limit. Of these vessels, 230 were larger than our largest. Moreover, England had been at war so long, her fleets were in perfect training and equipment.

The war might be called "The English and Indian War," for it was fought over much of the ground of the old French wars, and Indians fought on both sides. It was bound to rage along our frontiers and our coasts, and sea-fights were likely to occur in any quarter of the world.

Could a cablegram have been sent from London to Washington on the 23d of June, 1812, just five days after Congress had declared war, Madison would have been notified that the odious orders in council had been rescinded. Commissioners would have been appointed and war prevented. Again, after a treaty was signed, two years and a half later, a cablegram would have prevented the battle of New Orleans. If science makes war more destructive, it also helps people and nations adjust their differences.

In November, 1812, Madison was re-elected President, receiving 128 electoral votes, and Elbridge Gerry Vice-President, receiving 131. They had been nominated by a congressional caucus. In similar way, the Federalists nominated De Witt Clinton, of New York, and Jared Ingersoll, of Pennsylvania. Clinton received 89 electoral votes; Ingersoll, 86. Louisiana, admitted April 30th, the eighteenth state, chose its electors by legislature, as did the six states that thus chose them in 1808. Congress was overwhelmingly Democratic.

As to a deliberate, carefully chosen, well-supported, and well-conducted plan of war, in 1812, we had none. The regular army was only a squad. The state militia were not in hearty co-operation with the general government. Most of the land-fights were in the wilderness, along the frontier.

But viewing its military events as a whole, this was the "plan of war": to invade Canada; to drive the English and their Indian allies out of the Northwest (Michigan, Ohio, Illinois, Wisconsin, as the country now is); to drive the British from the Great Lakes; to keep the Indians quiet in the Southwest; to destroy British commerce; to fight English men-of-war wherever found, and to defend our Atlantic coast. So the war was offensive by sea and defensive by land.

In the summer of 1813, Oliver H. Perry built a fleet at Erie, Pennsylvania. He launched it in September; bore immediately up the lake in search of the British squadron, caught sight of it near Cleveland; ran up on his flagship, the *Lawrence*, a pennant with the motto, "Don't give up the ship"; boldly attacked the two largest of the enemy's fleet; lost his own ship; coolly changed to the *Niagara* in the heat of battle; broke the line of the enemy; captured his entire fleet, and on the 10th of September sent the famous message to General Harrison, "We have met the enemy, and they are ours; two ships, two brigs, one schooner, and one sloop." Evidently the British had struck another one of those Americans whom Washington would call a "fighter." Perry's victory settled the question on the lakes.

In 1812, Captain *Lawrence*, of the *Constitution*, met the notorious *Guerriere*, and after a brief contest, sent her to the bottom. The United States brought in the *Macedonian* as a prize. In 1813, the *Constitution* captured the *Java*; the *Hornet* sent the *Peacock* to the bottom of the sea; the *Enterprise* brought the *Boxer* into Portland harbor. But the *Chesapeake* struck to the *Shannon*; the *Argus*, which had "carried the war into Africa," by destroying more than twenty ships in the English Channel, struck to the *Pelican*. The motto which Perry had put on his pennant referred to a terrible battle between the *Chesapeake* and the *Shannon*, which had challenged the former to a fight off Boston. *Lawrence*, though not fully prepared, accepted. "Don't give up the ship," he whispered, as mortally wounded and defeated he was carried below by his men.

Never before had the navy of England had such disastrous experience. Defeat such as was heaped upon her

during 1812-13 was a novelty. She declared the United States blockaded and scattered her ships from Eastport to New Orleans; Maine, Massachusetts, Connecticut, Maryland, and the District of Columbia were invaded.

In 1812, our invasion of Canada was planned. One expedition, under Van Rensselaer, from Niagara should move against Queenstown and join a second from Detroit, under General Hull, against Toronto; a third, under General Dearborn, should proceed over Lake Champlain, against Montreal, and all, victorious, were to unite against Quebec. But the plan proved difficult. Hull fled from Canada, fell back upon Detroit, and in a panic on the 15th of August, surrendered it and the whole Northwest to the British. Van Rensselaer was defeated and hurried out of Canada. Dearborn just reached the boundary-line. Canada was safe.

Perry had saved the day. Harrison, a soldier, succeeded in 1813, by the victory of the Thames River, in Canada, in permanently defeating the British and Indians and winning back the Northwest.

In 1814, some of the "veterans of 1776" were retired. Winfield Scott, Jacob Brown, and Andrew Jackson came into command. Scott was victorious at Chippewa, Lundy's Lane, and Fort Erie (July 4th, 25th, August 15th). Commodore McDonough, on Lake Champlain, in co-operation with a land force, was victorious at Plattsburg, September 11th.

In August a British fleet, under Admiral Cockburn, and a land force under General Ross, came up the Chesapeake. Five thousand soldiers marched without opposition from the Americans, save one pitiable attempt to stand at Bladensburg, and captured Washington. The Capitol, the public buildings, and the White House were burned and pillaged. The archives of the nation were scattered to the winds. Then Ross quickly retreated to his ships and sailed away to attack Baltimore. But he bombarded Fort McHenry in vain. Ross was killed* and Cockburn, following General

* General Ross was buried in St. Paul's Cathedral, where his monument commemorating the destruction of Washington may still be seen. The Americans had burned York, in Canada, in 1813.

Gage's example, sailed to Halifax. One of the episodes of the flight from Washington shows the heroism of the President's wife, though the President himself showed little. Dolly Madison was determined that the Stuart portrait of Washington, hanging in the White House, should not fall into the hands of the British. She cut it from its frame, and escaped with it under her arm. It now hangs in one of the reception-rooms of the mansion.

In April, 1814, Napoleon abdicated and was sent into exile at Elbe. Europe was at peace. England could concentrate her fleets and her armies upon America. She planned another "Spanish Armada." A powerful fleet of fifty ships, armed with over one thousand guns, should sail from Jamaica, with over twenty thousand soldiers who had driven Napoleon into exile. This armament should swoop down upon New Orleans.

Andrew Jackson, who for several years had been fighting Indians in Georgia, Alabama, and Mississippi, was in command of the city. The British under General Pakenham, a brother-in-law of the Duke of Wellington, landed in December, and on the 8th of January, 1815, began the attack. Jackson had thrown up earthworks with here and there a cotton bale, and behind these the Americans awaited the attack. The defenses were rude; the defenders were rough frontiersmen, militia, and a few squads of free colored men. Twice the British attacked; twice they fell back with fearful losses. Over half the English army was killed or wounded. The Americans lost only seventy-one. General Pakenham had been killed by a sharpshooter, a free negro. It was Bunker Hill, with victory for the Americans. Never before had the British army suffered such a defeat save under Braddock.

The British, in February, took Mobile, but peace had already been signed at Ghent, on the 24th of December. A cablegram would have prevented the battle of New Orleans, as it might have prevented the whole war. The treaty, negotiated on our part by John Quincy Adams, Henry Clay, Albert Gallatin, and James A. Bayard (of Delaware), went into details for the settlement of our boundaries, for the cessation of Indian hostilities, and for the

abolition of the slave trade. Save as to the Indians, it said not a word about the causes of the war. But the "news from Ghent" was "good news," as Robert Browning has told us. The war was over. Our victories at sea put an end to the impressment of our sailors. While General Harrison had been subduing the Indians in the Northwest, General Jackson had been subduing them in the region we now call Alabama and Mississippi. Never again, east of the Mississippi, did they give the settlers serious alarm. Though the treaty was silent about the American doctrine that "free ships make free goods," it practically implied that a nation that could maintain the doctrine would be suffered to practice it.

In spite of the blunders of the war, the Americans had fought well. The war produced two popular heroes, the "Hero of the Tippecanoe," and the "Hero of New Orleans." Ovations befell them thick and fast. Everybody said that each would be President some day.

Three results of far-reaching importance grew out of the war. American manufacturing began, and Congress was asked to pass laws to encourage and protect it. American goods, it was said, could compete with those of European make, if American manufactures were duly protected. A tariff for protection was the result. After 1816 political parties divided on the tariff question. The rapid settlement of the West and the improvements in business and transportation disclosed the pressing need of a reliable currency. Whether this should be supplied by a United States bank or by state banks was a question on which the country divided. The charter of the old United States bank expired in 1812, and Congress refused to renew it. The war of 1812 was carried on by loans and treasury notes. No sooner was the war over, than a powerful movement set in to have the bank rechartered, or one like it established. In 1816, a new bank, the Bank of the United States, was chartered. It was the subject of political controversy for the next twenty years.

CHAPTER XXV

THE POLITICAL INTERREGNUM

1816-1828

In November, 1816, Monroe, Madison's Secretary of State, and Tompkins, lately governor of New York, were elected President and Vice-President, each receiving 183 electoral votes. They had been nominated by the congressional caucus. The Federalist vote was cast for Rufus King (34 votes) for President, and was scattered among five men, of whom Chief Justice Marshall was most eminent, for Vice-President. Indiana, though not admitted till December 11th, voted—the nineteenth state. Its legislature chose its presidential electors—the case in seven other states—as in 1812. Both houses were Democratic by larger majorities than ever before. The Federalist party had carried only three states, and these were its last victory. From this time it disappears from politics.

Two months after his inauguration, Monroe made a tour of the country, from Baltimore to Portland, through New Hampshire and Vermont, westward through Buffalo to Detroit, and return. It was a triumphal journey, filled with ovations. The war was over; the country was resuming its prosperity; politics were quiet. A national feeling was coming over the people. As *The Boston Centinel* happily said, it was the "era of good feeling," and the phrase, at once taken up by the country, is forever associated with Monroe's two administrations. In truth, the secret was, the world for the first time in centuries was at peace. Napoleon was at St. Helena.

But the era of good feeling cannot be said to have included the frontier; that is, the Florida and the Canadian borders. Though General Jackson had quieted the Creeks and Choctaws, by his expedition during the late war, and had compelled them to give up some of their lands, they

fully expected their ally, Great Britain, to win them back. So, in 1817, they could restrain themselves no longer, and fell upon the settlements. Florida was the refuge of pirates, runaway slaves, and desperadoes, as well as the home of the Seminoles and of a part of the Creeks. Jackson, ignoring the fact that it was Spanish soil, marched into West Florida, subdued it, hanged two Englishmen as spies, and routed the Indians. It was a high-handed act, and done without the knowledge of the Secretary of War, Calhoun, who wanted to discipline Jackson on account of it, but John Quincy Adams, the Secretary of State, took Jackson's side and won over the President. This was the beginning of a controversy that ran on for thirty years and sharply divided the whole country long before it was over. Spain had a feeble hold on Florida, and the United States was sure to obtain it ere long.

The treaty of Ghent was a preliminary to a settlement of our Canadian boundaries. In October, 1818, the commissioners of the two countries agreed on our northern boundary from the Lake of the Woods to the "Stony Mountains," as the Rockies were called, along the line of 49° north latitude. In 1817, a part of the eastern boundary of Maine had been defined, but not satisfactorily to either country. By the treaty of 1818 both countries were to occupy Oregon for ten years.

On Washington's birthday, 1819, Spain sold the Floridas to the United States for five million dollars, and thus happily aided in bringing this lawless part of the country into peace and order. The treaty carefully defined our western boundary as far as Oregon. We had claimed that the Louisiana purchase extended as far west as the Rio Grande. This would have given us Texas. By the treaty of 1819, we gave up all claim to the province of Texas, and our Spanish boundary was carefully set down: from the Gulf of Mexico to the 32d degree of north latitude, thence northward to the Red River, thence westward to the 100th meridian, thence north to the Arkansas, and westward to its source "in the latitude 42° north, and thence by that parallel of latitude to the South Sea." There was no survey of the line, and part of it was not

only vague, but false to nature. However, nobody knew this at the time.

Four nations were now reaching for Oregon and the control of the Pacific coast.

The American claim to Oregon was based on Captain Gray's discovery of the Columbia, in 1792; on the exploration of the country, by Lewis and Clark, 1805; on the settlement of the country, at Astoria, 1811, and on the treaty of 1818—a joint occupation with England.

The English claim to Oregon was based on Vancouver's voyage to the Columbia in 1792, a few days after Captain Gray discovered it; the partial occupation of the country by the Hudson Bay Company; the treaty of 1818, and the joint occupation. The Spanish claim to the Pacific coast was based on early conquest and occupation,* various treaties with France, and the treaty of 1819 with the United States. Spain did not claim Oregon.

The Russian claim to the Pacific coast was based on the discovery of Alaska by Vitus Bering, in 1741, the occupation of that country by Russian traders and missionaries; the decree of the emperor of Russia in 1822, fixing its southern boundary at 51° north latitude, and the settlement of a Russian colony in California, which practically ignored the boundary of 51°.

The United States contended that Oregon extended from the Rockies to the Pacific, and from 42° to 51°. It began to look as if Russia might push her claims to the Pacific coast, and possibly secure California. John Quincy Adams realized the gravity of the situation. He maintained that we ought to possess Texas and all of Oregon; he went further; no European nation should plant a colony either in North or in South America.

In 1819, the people of Missouri Territory asked for admission as a state, and submitted a constitution to Congress. It contained one provision excluding free persons of color from the state and another establishing slavery. The first provision raised the question whether a new state could make such an exclusion under the Constitution of the United States.†

* See pp. 20-24.

† Art. IV, Sec. 2, Clause I.

In New Hampshire, Vermont, Massachusetts, New York, North Carolina, and Tennessee free negro men might become voters, and by the national Constitution the citizens of each state were entitled to all privileges and immunities of citizens in the several states.

The second provision raised the question of extending slavery over the country west of the Mississippi. The country to the east was divided by law into slave soil and free soil. The question was one now raised for the first time. Congress and public opinion were divided. For two years it was discussed in Congress. Maine was asking for admission at the same time. Finally, three compromises were made: Missouri solemnly promised to consider the clause excluding free persons of color null and void. It was then to be admitted as a slave state by proclamation of the President. In the remainder of the United States, west of the Mississippi and north of $36^{\circ} 30'$, slavery should be forever prohibited.

These compromises were the work of Senator Thomas of Illinois and Henry Clay. President Monroe announced the admission of Missouri, August 10, 1821. It voted in the presidential election of 1820, but its vote was not counted. Happily for the country, the election did not depend on the vote of Missouri, or there might have been a civil war.

In November, 1820, the President and Vice-President were re-elected. No candidates were named. For Monroe, 228 electoral votes were cast: all the votes save one, which was given to John Quincy Adams. Tompkins received 215. Four new states had been admitted: Mississippi, December 10, 1817; Illinois, December 3, 1818; Alabama, December 14, 1819; Maine, March 15, 1820. Twenty-three states voted. In nine, presidential electors were chosen by the legislatures.* Congress was Democratic.

In 1820, a series of revolutions broke out in Spanish America, North and South. Spain lost all her possessions on the two continents. Her former provinces established

*Vermont, Connecticut, New York, Delaware, South Carolina, Georgia, Alabama, Louisiana, Indiana,

themselves as independent republics. She struggled to hold her colonies, and appealed to the powers of continental Europe for help. They organized the "Holy Alliance" in 1815, after the fall of Napoleon, consisting of France, Austria, Prussia, and Russia. For three years they hesitated, then they asked England to join them in helping Spain beat down these new American republics and to regain her colonies.

The prime minister of England, George Canning, and the English people generally, had no love for the "Holy Alliance" or any of its schemes. On the other hand, they cared little to see the new republics prosper. Canning at once suggested to our minister, Richard Rush, that the United States should take decided grounds against any intervention of the alliance in American affairs. On receipt of this hint, Secretary Adams laid it before Monroe, with earnest approval. Monroe sent all the papers to Jefferson and Madison. Jefferson's reply was the whole case in a nutshell: "Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should therefore have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicile of despotism, our endeavor should surely be to make our hemisphere that of freedom." He advised Monroe to identify the policy of the United States with the policy of representative government for America, North and South. Madison's views were like Jefferson's. Strengthened by the opinions of his friends and predecessors, Jefferson and Madison, and by the unanimous opinion of his Cabinet, which coincided with his own, on the 2d of December, 1823, he announced his policy in his annual message to Congress. It has long been called the Monroe Doctrine, and was, essentially, as follows:

The American continents are henceforth not to be considered as subjects for future colonization by any European powers. This referred to the Pacific coast, and to Russia and England in particular,

The United States would continue its original policy of neutrality, "but with the governments (i. e., the new American republics) who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States." This referred to the Holy Alliance. The effect of the doctrine was immediate.

On the 15th of December, 1824, Russia agreed to restrict her settlements to north of 54° 40'. The Alliance did not interfere in American affairs. Spain lost her colonies, and excepting Brazil, Canada, and Alaska, the Western Hemisphere was under a republican form of government.

The election of 1824 brought new men to the front, and showed that the country was passing through a great change. Monroe belonged to Washington's time and the Revolution. His generation was passing away; new ideas, the new West, and new leaders had arisen. The whole country was unsettled politically. The Federalist party was extinct. The Democratic Republicans were in factions. New parties were in process of formation. For sixteen years the secretaries of state had succeeded to the presidency. Madison had succeeded Jefferson; Monroe had succeeded Madison. Would Adams succeed Monroe? There were two popular candidates from the Southwest, Clay and Jackson. Many of the politicians favored William H. Crawford of Georgia, and he was nominated by the congressional caucus. But people were tired of such nominations, because, they said, they were made by the "political ring." Jackson, Adams, and Clay were nominated by state legislatures long before election day.

In the election, November 2, 1824, twenty-four states voted. Sixteen chose their electors by popular vote, and for the first time the popular vote was recorded. The eight choosing by legislature were Vermont, Connecticut, New York, Delaware, South Carolina, Georgia, Louisiana, and Missouri. Of the electoral votes, Jackson received 99,

Adams 84, Crawford 41, Clay 37. Calhoun was generally supported for Vice-President, and received 182. Among those who received votes for Vice-President were Jackson, Van Buren, and Clay. Of the popular vote, Jackson received 155,872, Adams 105,321, Crawford 44,282, and Clay 46,587. Thus there was no election of President, and the choice went to the House of Representatives, as it had gone in 1800. By the terms of the Constitution, the fourth candidate on the list was dropped. This was Clay, and he threw his influence to Adams, who was elected. Adams had already decided, if elected, to appoint Clay Secretary of State, and also to invite Crawford and Jackson to enter the Cabinet. No sooner was Clay's nomination as Secretary made than Jackson cried, "Bargain and corruption"; and he and his followers kept up the cry with great success all his life. There was no truth in the charge,* but most Democrats believed it true.

The legislature of Tennessee at once nominated Jackson for presidential candidate, in 1828. This was beginning the campaign early, but the country responded, and at once divided into Jackson men and Adams men. Adams tried to be a non-partisan President, and succeeded probably as far as it is possible. He had decided notions that the President should direct public affairs, but Congress was not in sympathy with him. He was a President without a party. He favored a national bank and internal improvements at national expense. But his four years as President were an impatient waiting by the Jackson men for a new election.

Adams advocated a tariff for protection as well as for revenue. The revenue should build roads and canals, establish a national university, erect public buildings, and dredge rivers and harbors. Gradually the Adams men took the name National Republicans, and their opponents called themselves Jackson Democrats. In May, 1828, after six weeks' debate, and amidst fierce sectional divisions, a pro-

* It is a common thing, and has been for many years, for a President to call his competitors, in his own party, into the Cabinet. Lincoln had Seward, Chase, Cameron, and Bates in his first Cabinet; Hayes had Sherman; Garfield and Harrison had Blaine.

protective tariff bill was passed. Its opponents called it "the tariff of abominations." It pleased New England and Pennsylvania, but was condemned throughout the cotton states. At many public meetings it was pronounced unconstitutional. The new law clearly showed that the United States consisted of two parts, the North, filling up with factories and favoring a protective tariff; the South, full of plantations, favoring a tariff for revenue only. This was a serious difference of opinion.

A country must have revenue, and a tariff bill is a tax bill. It is always desirable that all sections of a country should agree how taxes shall be raised. Serious differences may lead to civil war. The difference of opinion was becoming serious in 1828.

Election day was now fast approaching. Already the candidates were announced. Democratic state legislatures nominated Jackson and Calhoun; National Republican legislatures nominated Adams and Richard Rush, and public meetings all over the country indorsed the nominations. Much excitement prevailed. Let us take a glance at the people who were about to express their choice.

CHAPTER XXVI

IN THE YOUTH OF THE REPUBLIC

1800-1830

The children of Washington's time were now men and women in middle life, and few who had taken part in the Revolution were living. Many old things had passed away and much had become new. Adams and Clay, Jackson and Van Buren, Calhoun, Benton, and Webster were now famous men, directing public affairs. The days of Washington and Citizen Genet seemed ancient history. Even the War of 1812 was fading away. The Union now had over 12,000,000 people (12,866,020), living in twenty-four states, in the District of Columbia, and in four territories, Michigan, Arkansas, Florida, and Missouri; for the country north and west of the state of Missouri was called Missouri Territory.

Mason and Dixon's line, the Ohio, and the compromise line of $36^{\circ} 30'$, divided the country into free soil and slave soil. There were seventy-one persons north to every fifty-seven south of this line. Of the population, two million were slaves, nearly all being south of the line, and about three hundred and twenty thousand were free negroes, living chiefly in Virginia, Maryland, and states north. Since 1820 a new element had been appearing among the people. This was the foreign immigrant. There were now one hundred and forty-three thousand foreign-born persons who, within the last ten years, had come to live in America. They were found chiefly in the towns and the country along the Atlantic coast.

It will be remembered that in 1800 Virginia ranked first in population, Pennsylvania second, New York third, Massachusetts fourth, North Carolina fifth. Thirty years had greatly changed the order of the states. New York was now first, Pennsylvania second, Virginia third, and

Ohio, which was a territory in 1800, was now fourth. North Carolina was still fifth. But Kentucky had moved up from number nine to number six; Tennessee from number fourteen to number seven; Massachusetts had fallen to number eight. The wonderful growth of Kentucky and Tennessee in the South, and of Ohio in the North, plainly showed where the balance of power was tending—to the Mississippi Valley. Each of these flourishing states had a great leader, popular with thousands in other states. Ohio had William Henry Harrison, Kentucky had Henry Clay, Tennessee had Andrew Jackson. New York had Martin Van Buren, perhaps less popular than either of the others, but recognized as a sagacious man and a skillful politician. His opponents called him "the Kinderhook Fox," from the place where he lived.

It may be accepted as true, in the history of our country, that states which are gaining rapidly in wealth and population, as were New York, Ohio, Kentucky, and Tennessee at this time, always have very able and influential men in public life.

Instead of only nine cities of 8,000 people or more, as in 1800, there were now thirty-two, and the city population had increased from 131,000 to 865,000. But fifteen out of every sixteen persons of the population lived in the country. New York was the largest city, with a population of nearly 203,000. Philadelphia and its suburbs had 130,000, Boston 61,000, Charleston, South Carolina, 30,000, Baltimore 80,000, New Orleans 46,000, Cincinnati 25,000, Pittsburgh 13,000, Louisville 11,000, Buffalo 9,000.

The principal streets of large cities were now paved with cobblestones. At night oil lamps swinging from wooden posts at the corners flung their timid light, save when the moon shone. But no city of the time would now be considered well lighted.

Since 1800, two improvements had quite changed the habits and ideas of the people: canals and railroads. The thirty years were an era of "internal improvements," as they were called. From every important town radiated roads, usually bad ones, but sufficient to unite the country in a rude sort of industrial union. But the enthusiasm of

the new generation was for canals and railroads. Over three thousand miles of canals were proudly laid down on the map as "finished or in progress." Some were finished, as the Erie Canal, from Albany to Buffalo, three hundred and sixty-three miles; the Ohio Canal, from Cleveland to Portsmouth, on the Ohio River, three hundred and six miles; the Chesapeake and Ohio Canal, from Washington to Pittsburgh, three hundred and forty-one miles. In all, twenty-nine canals were built or building. They connected Lake Erie with the Hudson and the Ohio; the Delaware with the interior rivers of New York and Pennsylvania, and the Delaware with Chesapeake Bay. Their purpose was to give an eastern outlet to the West and Southwest. The Erie Canal was opened in 1825. It became at once, and continues to be, a great artery of trade. By means of it the produce of New York, northwestern Pennsylvania, Ohio, Indiana, and Michigan was marketed in New York City, which was becoming the metropolis of the Union. Pennsylvania constructed a system of connecting canals and railroads from Philadelphia to Pittsburgh, which ultimately cost over thirty-five million dollars. These competed with the Erie Canal.*

In addition to canals, about fourteen hundred miles of railroad were "finished or in progress." The Baltimore and Ohio, from Baltimore to Pittsburgh, was two hundred and fifty miles long; the Boston and Albany (when finished) would be two hundred miles. Some twenty-four lines were projected, varying in length from five and one-half miles to three hundred. But in 1830 none of the long lines were completed.

Because of so much expectation of profit, cities and towns were laid out on a grand scale all over the country. Speculation raged everywhere. Everybody hoped to get rich by the rise in land. The "boom" penetrated all parts of the West. Wherever a canal or railroad was projected,

* In 1829 the completed canals were the Chesapeake and Delaware; the Cumberland and Oxford (Maine); the Farmington, in Connecticut; the Oswego, from Lake Ontario to Syracuse (Salina), and the Delaware and Hudson. In 1830 there were thirteen hundred miles of canals completed, eighteen hundred in course of construction, and four hundred more projected.

these "mushroom" cities were laid out, and lots were offered for sale.*

But the real reason for the growth of the thirty-two cities and the hundreds of prosperous towns was the increase of manufactures.

In 1802, the manufacture of sheet-copper began in Massachusetts; that of sail-cloth, from cotton duck, began seven years later. Over one hundred and eighty paper-mills were in operation in 1810. They were located on streams, usually small ones, whose water was specially adapted to the paper business. Cotton goods were printed in Philadelphia on engraved cylinders. In 1811, the manufacture of chemicals began in Salem, Massachusetts. In 1812, Fall River, Massachusetts started its cotton-mills, and Pittsburg, Pennsylvania, its rolling-mills. In 1813, stereotyping was begun in New York City. In 1814, carriage factories started in New Haven, Connecticut, and in Albany, New York. At the time of the Missouri Compromise, nearly fifty steamboats had been built and were in use on western rivers. Newark, New Jersey, began its manufacture of patent leather in 1822. Carpenters' and other mechanics' tools had been mostly imported from England. A firm in North Bennington, Vermont, began the manufacture of steel squares in 1820. The wine interests of Cincinnati were started three years later.

The manufacture of gas from coal was successful in New York in 1827, and from that time cities began to be better lighted at night. Gas slowly supplanted sperm-oil. Amesbury, Massachusetts, produced the first roll of flannel made by machinery in 1824.

The manufacture of common white or yellow dishes, called queensware, was begun in Philadelphia in 1825. Earthen sewer-pipes and tiles for roofs and drainage were made in Baltimore, and axes, hatchets, chisels, and common edge-tools were made at Hartford, Connecticut, for the first time in this country the same year. School slates came into use, being made at various points on the upper

*For some account of the effect of this wild speculation and its causes, see my *Constitutional History of the American People, 1776-1850*, Vol. I, Chapter XI.

Delaware River. Fire grates and furnaces, lined with fire-brick, came into general use in 1827. They were made chiefly in Baltimore. Until that time, hard coal was not sold in the market, except to the very few who had fire-grates imported from England. Work by lithography was done in Boston. The workmen were brought from England.

Pittsburg began the manufacture of linens in 1828; New York started a varnish factory, and straw-paper was made for the first time at Meadville, Pennsylvania. In 1829, figured muslin was, for the first time, made at Central Falls, Rhode Island; the Lowell calico factories produced goods that competed with French and English prints; cutlery, hitherto imported from Sheffield, England, was made at Worcester, Massachusetts; sewing-silk was made by machinery for the first time at Mansfield, Connecticut; machinery for the manufacture of brick was set up in New York City; the importation of fire-bricks now ceased; galvanized iron was invented by a New York physician named Revere.

It is to be noticed that these manufactures were chiefly in the North, that many of them were original inventions, and that they include a great variety of articles in common use. The numerous factories were chiefly in the cities. They employed many people. Therefore cities grew rapidly.

By our patent laws, inventors are protected and encouraged to produce many new devices, designs, and improvements. Upward of four hundred patents were granted annually from 1825 to 1830, but the patent office was not organized, as we know it, till 1836. Manufactures were encouraged by the tariff laws of 1816, 1824, and 1828. Henry Clay was the recognized leader of all tariff men. They supported what they called "the American system of labor."

An enumeration of some of the manufactures begun during these thirty years suggests one group of interests; a like enumeration of newspapers and periodicals suggests another. Two hundred newspapers were published in 1801, and of these, seventeen were dailies. Newspapers were usually party organs. *The Evening Post*, New York, began

in 1801 as a Federalist paper, and *The Natchez Gazette*, as a Republican, about the same time. *The Richmond Enquirer* started in 1804. St. Louis and Vincennes had their first paper in 1808. *The Albany Argus* was first issued in 1813, when *The Daily Advertiser*, the first successful Boston daily, also began. Kaskaskia published *The Illinois Intelligencer*, in 1814, the first paper in the state. The first religious paper in America, *The Recorder*, was published in the same year at Chillicothe, Ohio. *The Hartford Times* first went to its subscribers in 1817. Two years later the first paper devoted to agriculture, called *The American Farmer*, was published at Baltimore. *The New York Observer* appeared in 1820, about the time when Arkansas had its first paper, called, as one would expect, *The Arkansas Gazette*. *The New Orleans Prices Current*, established in 1822, was the first strictly commercial paper in the South. *The Boston Courier* first came out in 1824. The first Sunday paper, *The Sunday Courier*, was started in New York City in 1825, but soon failed for want of patronage. Cincinnati established its first paper, *The Commercial Register*, in 1826, and Rochester, *The Daily Advertiser*, about the same time. *The Journal of Commerce* began in New York the next year; also, *The Morning Enquirer*, in 1829, which became *The New York World* thirty-two years later. *The Southern Agriculturist*, published at Charleston in 1828, was the first paper of its kind south of Baltimore. *The Ladies' Magazine* (Boston, 1828) united with *Godey's Ladies' Book* (Philadelphia) in 1837. Portland, Maine, had its first daily, *The Courier*, in 1829. The year 1830 witnessed the founding of several papers, *The Boston Transcript*, *The Washington Globe*, and *The Albany Evening Journal*. *The North American Review* was founded in 1815.

Evidently the American people, in 1830, with their newspapers, canals, and postal service, were able to learn the condition and the sentiments of any part of the country. However, newspapers were expensive (from five dollars to ten dollars a year), and the mass of people did not subscribe for them. Usually the postmaster got up a club among his townsmen, of his political faith. But in hundreds of towns, the only paper that came was the post-

master's, and he read the news aloud to his friends and patrons.

The mass of people are usually late in reading books which at last attain enduring fame. Exciting books of crime and adventure were printed then, as now, in paper covers and sold freely over the country. Religious books, such as *Pilgrim's Progress*, *Baxter's Saints' Everlasting Rest*, and *Allen's Alarm*, were found side by side with the Bible in thousands of homes. Joel Barlow wrote *The Columbiad* in 1807, William Cullen Bryant wrote *The Embargo* in 1809, and published his first volume of poems in 1821. William Ellery Channing, one of the "famous boys" of Washington's time, published a volume of essays in 1830; Lydia Maria Childs, a story, *The Rebels*, in 1825; Richard Henry Dana, *The Idle Man*, in 1822, and poems in 1827. William Dunlap wrote several successful plays and biographies; Ralph Waldo Emerson published his first book in 1830, and the first American edition of *Franklin's Works* appeared in 1818.

Charles E. A. Gayarré wrote his first *History of Louisiana* in 1830; S. G. Goodrich, whom our grandfathers and grandmothers knew as "Peter Parley," wrote *Tales about America*, 1827; Fitz Greene Halleck published poems in 1819 and 1821. Alexander Hamilton's works were first collected in 1810, six years after his death. Nathaniel Hawthorne's first book, *Fanshawe*, appeared in 1828, a year later than the first by Oliver Wendell Holmes—*Poetical Illustrations of the Athenæum Gallery of Paintings*. James Kent's famous *Commentaries on American Law* were issued in 1826-1830. Henry Wadsworth Longfellow printed his first volume of poems in 1826, and wrote a French grammar in 1830. John Neal's *Keep Cool* (1817) and eight other books published by 1830, of which *Logan*, *Seventy-Six*, *Brother Jonathan*, and *Rachel Dyer* were the principal, are now quite forgotten. Poems by Edgar Allan Poe and William Gilmore Simms appeared in 1827 and 1829.

Lydia Huntley Sigourney's poems, issued in 1815 and 1827, were long popular. Noah Webster published his *Dictionary of the English Language* in 1828. N. P. Willis brought out his first book of short stories, called *Sketches*,

in 1827. But the most famous books of this period, if we except Webster's Dictionary, were by two of the "famous boys" of 1789, James Fenimore Cooper and Washington Irving. The books of the period which have lived are: Irving's *Salmagundi*, 1808; his *Knickerbocker's History of New York*, one of the deliciously humorous books in our language, 1809; the delightful *Sketch-Book*, 1820; *Bracebridge Hall*, 1822; *Tales of a Traveller*, 1824; the *Life and Voyages of Columbus*, 1828, and *The Conquest of Granada*, 1829. Cooper put forth his wonderful novels with great rapidity: *Precaution*, in 1820; *The Spy*, 1821; *The Pioneers*, 1823; *The Pilot*, 1823; *Lionel Lincoln*, 1824; *The Last of the Mohicans*, 1826; *The Prairie*, 1827; *The Red Rover*, 1828; *The Wept of Wish-ton-Wish*, 1829, and *The Water Witch*, 1830. In *Hawkeye*, the hero of the *Leather Stocking* tales, he created the most original character in American literature.

The familiar titles of Irving's and Cooper's books do not suggest a period so far away as 1800-1830. Plainly the country then had a few great books by American writers. The list would be very long if it included the sermons, the medical books, the law books, and the school books of the time.

New England continued its system of free schools. New York and Pennsylvania established many academies, and contained a large number of "pay" or "rate" schools. When Congress organized the states of Ohio, Indiana, Illinois, Alabama, and Mississippi, it generously set apart every sixteenth and every thirty-sixth section as school lands, for the support of free common schools and a state university. The spirit of western people is well shown by a provision of the constitution of Indiana of 1816: "It shall be the duty of the general assembly, as soon as circumstances will permit, to provide by law for a general system of education, ascending in a regular graduation from township schools to a state university, wherein tuition shall be gratis and equally open to all." But the lands had first to be surveyed and sold. Many people all over the country felt too poor to send their boys to school after they were ten or twelve years old—the girls might go a

year or two longer; then the children must go to work in the field or at a trade, and help support the family and themselves.

The colleges, over seventy in number, were better attended as time passed. Webster was a graduate of Dartmouth, John Quincy Adams of Harvard, John C. Calhoun of Yale. But nearly all men in political life were, like Clay and Benton and Jackson, "self-made and self-educated." No system of public schools as we know them was in existence down to 1830.

Passengers were transported by coach, canal, and steamboat. Good bridges and safe roads were now quite common. The western rivers were dotted with steamboats. The Ohio, from Pittsburg, was swarming with steamers, rafts, arks, and boats of various patterns. In 1807, steam navigation may be said to have begun. Robert Fulton, on the first day of August, ran the Clermont from New York to Albany, one hundred and fifty miles, against the current, in thirty-two hours. From this time, steamboat navigation gradually overspread the waters of the United States. Ferry-boats between New York and Jersey City, and between Camden and Philadelphia began in 1812.

In spite of the reluctance of many members of Congress to appropriate money from the national treasury for the construction of turnpikes, public sentiment, growing out of the needs of the West, began to count as votes in Congress. Beginning with a small sum (\$12,000), derived from the sale of lands in Ohio, Congress made an appropriation, in 1806, for the construction of a national turnpike from Cumberland to Wheeling. All through this period, bills to make additional appropriations, or new ones for new roads, came up in Congress. Some passed. But Jefferson, Madison, and Monroe disapproved the principle, and vetoed most of them. Adams favored all kinds of internal improvements.

The states were less divided on this question. The legislature of Illinois chartered scores of canal, railroad, and turnpike companies, and issued bonds for the construction of thousands of miles of road and hundreds of bridges. Other western and southwestern states did the same. The first canal opened for the transportation of both freight and

passengers was the Middlesex, connecting the Concord River and Boston, in 1804.

From 1800 to 1830, the states west of the original thirteen gained 3,000,000 of people, nearly as many as the country contained when Washington was inaugurated. Of these, 1,000,000 was gained south of the Ohio, including Louisiana and Arkansas, and about 2,000,000 north of the Ohio, including Missouri. The old states north of Mason and Dixon's line gained about 1,600,000; those south, about 800,000. The "wilderness roads" had developed into three great highways to the West. The northern ran along the line of the Erie Canal to Buffalo, thence by land or by water to Erie, Cleveland, and Detroit, each of which was a point from which immigrants went off into the surrounding country.

The central route was along the line of the projected Pennsylvania Canal, Philadelphia to Pittsburg, thence down the Ohio to distributing points. The southern routes were a group of lines running from Virginia and states south over the mountains. Immigration was chiefly by water. Along the main highways, prosperous villages sprung up, like Rochester, Utica, and Buffalo, which were cities of nearly nine thousand people each in 1830.

In 1828, Horatio Allen, an English engineer, ran the first train in America, on any railroad, on the Carbondale and Honesdale railroad, in Pennsylvania. The Baltimore and Ohio was formally opened on the 4th of July of that year. The rails were of wood, laid on stone or wooden cross-ties. A strap of iron covered the top of the rail. This iron strap would occasionally break loose from the spikes and run up into the cars or wrap round the wheels.

In 1830, the South Carolina railroad, connecting Charleston and Hamburg, went into operation, and carried both freight and passengers—the first so designed. Horatio Allen planned the road-bed. The locomotive, the first made in this country, was constructed by Peter Cooper, in New York. Thus it will be seen that the long mileage of railroad shown on some of the maps of this period was "in progress" rather than "finished."

The charter of the United States Bank expired in 1811,

and Congress refused to renew it. Immediately state banks and private banks started up all over the country, and each issued paper currency. Money had no solid foundation in gold or silver capital, or wealth of any kind. It was difficult to know whether a bank bill was worthless or not. Many business men issued due-bills and scrip for convenience. The United States Bank issued no small change in paper money. As speculation raged more furiously, the numerous banks issued greater quantities of money. In 1816, Congress chartered a national bank for twenty-one years, with the enormous capital of thirty-five million dollars. It was modeled on the old United States Bank. But an institution so powerful was bound to be interested in politics. The Democratic party accused it of favoring the National Republicans. Webster and Clay were recognized friends of the bank. Benton and Calhoun, who seldom agreed on anything, agreed in opposing the bank. They said it was unconstitutional; but the Supreme Court decided to the contrary in 1819. Money was scarce all over the country, interest high, wages low, and labor abundant. No established system of credit was practiced. Credit was a personal matter.

With improvements in transportation, the postal service became better. The postmaster in the smaller towns was usually a storekeeper. Money was scarce, and people prepaid their postage with eggs, butter, oats, potatoes, and corn. The postage varied with the distance. To send a letter as far as it may now be sent for two cents would have then cost a farmer a cow. Adhesive stamps and envelopes were not yet in use. It took two weeks to get a letter from Erie, Pennsylvania, to Washington. In 1823, highwaymen occasionally "held up" the stage on the road from Philadelphia to Baltimore and rifled the mail-bags.

The old-fashioned amusements were kept up, but professional actors had become an additional means of pleasure. The Walnut Street Theater in Philadelphia has been open since 1807. The "Star-Spangled Banner" was first heard at the Holliday Street Theater, in Baltimore, in 1814. Italian opera was first sung in the Park Theater in New York in 1825. Theater-going had become so common in

1826 that the great English actor, Macready, came to America, playing first in New York, and later in other large cities. But the people were greatly divided about such amusements. Many thought them wrong.

Floggings in public, imprisonment in the stocks, and the whipping-post were disappearing. Some criminals were hanged, many lynched, and a few put in solitary confinement for life. Pennsylvania had the most humane prison system, and it was adopted in Ohio, Indiana, and Illinois. New York put convicts to work at Auburn and Sing Sing.

At Hartford, Connecticut, the first institution in the country for teaching the deaf and dumb opened on the 17th of April, 1817, with seven pupils, and adjoining states later sent pupils to it till a similar institution could be erected for them at home. But this change was slowly realized. The first asylum for the blind was opened in Boston in 1829. The asylum in Philadelphia was the second. Pupils were sent to it at public expense from Pennsylvania and Delaware.

Drunkenness was the prevailing vice of the times. All classes of society were addicted to liquor. In 1824, a great temperance movement, starting in Boston, overspread the country. More than one thousand temperance societies were formed by 1830. This was the famed "Washing-tonian" temperance movement. In six years the importation of liquors fell off from five million dollars to one million one hundred thousand dollars. From this time merchants gradually ceased keeping liquor in stock, and the liquor traffic went to hotels and saloons.

Nearly all the men in America who became eminent from 1860 to 1880 were born during this period. When President Madison, in 1812, proclaimed England and the United States at war, a number of famous boys were among those who were told the news. Horace Greeley and Charles Sumner were a year old, and could not be expected to be interested. James Freeman Clarke was two years old; Oliver Wendell Holmes, Edgar Allan Poe, and Abraham Lincoln were three; Jefferson Davis, Andrew Johnson, and Salmon P. Chase were four; Robert E. Lee, Henry W.

Longfellow, John G. Whittier, and Richard Hildreth were five; N. P. Willis and W. G. Simms, six; C. A. Gayarré was seven; Nathaniel Hawthorne, eight; Ralph Waldo Emerson, nine; William H. Seward, eleven; Millard Fillmore and George Bancroft, twelve; W. H. Prescott was sixteen, and William Cullen Bryant, eighteen.

Turning to the close of this period, let us take the year 1829, when John Quincy Adams retired from the presidency. In that year Charles Dudley Warner was born; Theodore Winthrop was a year old; Lew Wallace and Charles Eliot Norton were two years old; Bayard Taylor was four; George William Curtis, five; Francis Parkman, six; Ulysses S. Grant, Rutherford B. Hayes, Edward Everett Hale, and Donald G. Mitchell ("Ik Marvel"), seven; William T. Sherman, nine; Walt Whitman, ten; James L. Motley, fifteen; Henry Ward Beecher, sixteen; Harriet Beecher Stowe, seventeen.

The first thirty years of the new century witnessed that counter-revolution which was bound to follow so profound a change as that wrought in America in 1776. All the personages who had been foremost in furthering that change were carried to their graves before 1830. New men succeeded them, but could not take their places. The public duty had changed with the times, and lesser men could administer the republic, executing the policy which Washington, as later modified by Jefferson, had laid down. Jefferson and Adams survived till 1826, though with incomparable difference in influence. Jefferson continued a political force, while Adams was only an ex-President. The political ideas for which Adams stood were embodied in a greater than he, one whom Americans must ever name in reverence, and for whom they are indebted to Adams. John Marshall was appointed chief justice of the United States by Adams in February, 1801, and he served in his high office until July, 1835. Time has honored the President's judgment, and has approved his confessed thought that "his gift of John Marshall to the people of the United States was the proudest act of his life." His first decision as chief justice was given in 1801; his last, in 1834. In all he gave some five hundred and twelve, of which forty-

three were in cases involving an interpretation of the Constitution. A person who reads these decisions, and the *Federalist*, written by Hamilton, Madison, and Jay, in 1787-88, while the Constitution was before the people of the states for ratification, has before him the authoritative and classic exposition of the Constitution of the United States. He may read later decisions and treatises for information, but he will return to Marshall and the *Federalist* for his conclusions and principles.

Jefferson and Marshall are the great personages in America from 1800 to 1830. Madison is remembered for his Revolutionary services and for his contributions to the *Federalist*; Monroe has given his name to a doctrine which he did not originate, but which may be traced to Madison, Jefferson, and Washington, in their presidential policy and utterances, and to Hamilton in the *Federalist*. Indeed, the promulgation of the doctrine is due as much to Monroe's astute Secretary of State and successor, John Quincy Adams, as to Monroe himself.

The name of Adams recalls a great man, greater in Congress, in after years, than in the White House, where he lived a President without a party. The pathetic purity of his administration has given him a unique place in American history, but as President he was cabined, cribbed, confined; and the country, which then looked upon him merely as political heir to Monroe according to the prevailing law of succession—for both Madison and Monroe came, like Adams, to the presidency from the state department—learned later, when he was returned to the House of Representatives continuously for nearly twenty years, that, like Garrison, whom in faith, manner, and action he resembled, he would not equivocate, he would not retreat a single inch, and he would be heard.

After the Missouri Compromise, 1820, came the era of new men, of whom the most interesting to the public were Benton and Clay in the West and Webster and Calhoun in the East, and they rapidly came to their own.

The popular heroes of these thirty years were Jackson and Harrison, elevated by their admirers to a pinnacle of glory. Both attained the presidency, and in the race for

it both had run a highly dramatic military course. Both had driven back, defeated, and annihilated powerful savage tribes, and had extended the frontier far into the late Indian country. Both were men of the West—one of the South, the other of the North.

If popularity is the test of greatness, one of these men was greater than Washington, for it may be doubted whether the first President attained the place in the hearts of his contemporaries which Jackson gained in the hearts of the Democrats, or even Harrison for a time held in the thoughts of the Whigs. Both Jackson and Harrison were hailed by their followers as reformers—as the Whigs said of Harrison when they nominated him for President, the first time in 1836, “the man of high intellect, the stern patriot, uncontaminated by the machinery of hackneyed politicians—a man of the school of Washington.”

Harrison died so soon after entrance upon his high office that the Whigs, bitterly disappointed, could scarcely restrain from mingling resentment with their tears, that fate had treated them so meanly. Jackson, like Jefferson, exercised vast political influence till his dying day, and bequeathed his system of practical politics to grateful heirs who added to their heritage and passed it on to posterity.

Neither Webster nor Clay attained the popularity of Jackson, who in affability, learning, and intellectual grasp was their inferior. But in power to understand the plain people he surpassed both as distinctly as both excelled him and most other men in eloquence. In Jackson the people found a man whom they believed honest. They called him their own; they trusted him perfectly, and he never deceived them. His war on the bank was their war; his distrust of Clay was their distrust, and cunning demagogues, quickly detecting the drift of public sentiment, utilized Jackson as a tool wherewith to shape their own ends.

He stood for nothing new in statesmanship, but the event in his administration to which undoubtedly he would have attached greatest importance, had he been able to measure it by its consequences, was his appointment of Roger B. Taney, as Marshall's successor in the Supreme Court, and the appointment of so many associate justices

that the court was practically reorganized and made a Democratic organ.

The stronghold of the Federalists was at last taken by their opponents, and it was destined to be held by them for twenty-eight years.

West of the Alleghanies, people considered the old class distinctions which long prevailed in the East unsuited to a country like ours. The West was aggressive. The whole population was stirring with land speculations; new manufactures, new canals, new railroads, new turnpikes. The hero of the West was Andrew Jackson. Had he not risen from poverty to be a great general? Had he not been "counted out" of the presidency? Certainly. The city of Washington was full of corruption, and it was high time that the people took possession of their government again.

At last, in 1828, the November day came when the Jackson men could vote again. For Jackson and Calhoun 647,231 votes were cast; for John Quincy Adams and Richard Rush, 509,097. Of the electoral vote, Jackson received 178, Calhoun 171, Adams and Rush 83. Only three states (New York, Delaware, and South Carolina) chose their electors by their legislatures. This showed how democratic the country had become. The party voting for Adams now called its members Whigs. It was in the minority in both houses. Andrew Jackson was a typical American of his day. He had received more votes than were ever before cast for anybody in America.

CHAPTER XXVII

IN THE DAYS OF JACKSON AND VAN BUREN

1829-1840

At last "a man of the people," as his supporters called him, was made President, and inaugurated March 4, 1829. He brought an army of other men of the people with him who took the offices that "the well-born" had so long held. Two thousand office-holders were turned out for what would now be termed "offensive partisanship," and their places filled by the President's supporters. This was the beginning of "the spoils system," which continued nearly seventy years, and which is not yet abolished. Many of Jackson's appointments were highly capable men. It was the Whigs who complained. No party stood for an efficient civil service. From 1829 our country was guided by a new policy.

The tariff of 1828 divided the country into unfriendly sections. The South pronounced it unconstitutional, and with this idea some in the North agreed. But the majority of voters in the North believed in a tariff for protection and revenue, and not one for revenue only. A high protective tariff displeased the South, because its people manufactured almost nothing and imported much. They also exported nearly three-fifths of all the exports of the country. The South wanted a low tariff, for revenue only; the North a high tariff, for both revenue and protection.

During the winter of 1830, a bill regulating the sale of public lands, known, from its author, as the "Foote Resolution," was under discussion. Senator Hayne, of South Carolina, on January 21, 1830, in a speech scarcely excelled in the annals of Congress, entered upon a masterly exposition of "State Sovereignty," the "Doctrine of 1798," nullification and secession. On the 26th, Webster made his famous speech, known as the "Reply to Hayne," now

considered the greatest ever delivered in Congress. It concluded with the famous declaration: "Liberty and Union, now and forever; one and inseparable."

The Constitution requires that all taxes levied by Congress shall be uniform throughout the United States. The South insisted that the tariff of 1828 violated this provision. In the Senate, the leader of the South was John C. Calhoun. He had resigned the vice-presidency in order to re-enter the Senate to defend his ideas. His colleague, Robert Y. Hayne, warmly and ably supported him. In 1831, Calhoun in a powerful speech set forth the case of the South. He declared a tariff for protection unconstitutional and a violation of the rights of the states. In 1832, the tariff of 1828 was amended, and some duties taken off or reduced. But the principle of a tariff was not abandoned. Largely influenced by Calhoun, the legislature of South Carolina called a convention to consider the question of a tariff. It met at Columbia, and on the 24th of November passed an ordinance of nullification which declared the tariff laws of 1828 and 1832 "null and void"; forbade any citizen of South Carolina to pay the duties after February 1, 1833, and even made compliance with the laws an offense.

The summer of 1832 was full of excitement. What would Jackson do with South Carolina? The presidential election occurred in November. Jackson was the only person thought of by his party to succeed himself. He suggested that a convention be called to nominate a candidate for Vice-President. It met in Baltimore, March 22, 1832; was the first Democratic national convention, and nominated Martin Van Buren. The National Republicans (or Whigs) had met in convention, in the same city, December 12, 1831, and nominated Henry Clay for President and John Sergeant, of Pennsylvania, for Vice-President. This was the first national convention of the party.

It was not, however, the first national convention. The first had met in Baltimore, September 26, 1831, and had nominated William Wirt, of Maryland, and Amos Ellmaker, of Pennsylvania, as the anti-Masonic candidates. Jackson received 219 electoral votes, Van Buren 189, Clay and Sergeant 49, Wirt and Ellmaker 7 each. The popular

vote stood 687,502 for Jackson and 530,189 for Clay. South Carolina was the only state that chose presidential electors by its legislature. The re-election of Jackson by so large a vote showed the confidence of the country in him.

On the 6th of December, 1832, the President issued a proclamation to the people of the United States, in which he reviewed the whole case of South Carolina. The review was masterly, and the proclamation ranks among the great state papers of America. Said Jackson: "I consider, then, the power to annul a law of the United States, assumed by one state, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed." He concluded his proclamation with an affectionate appeal to the people of South Carolina, whom he addressed as "fellow-citizens of my native state," that they rescind their nullification act, support the government, and preserve the Union.

In compliance with the President's wishes, Congress on the 1st of March, 1833, passed a "force bill" authorizing him to use troops to enforce the collection of customs in South Carolina. Almost at the same time (March 2) it passed Clay's compromise bill, providing for the gradual reduction of the duties. During the progress of these bills, Calhoun delivered a great speech defending nullification and the right of a state to withdraw from the Union. Webster replied, in one of his powerful speeches, denying the existence of such rights. But Clay, by his compromise, had pulled the dragon's teeth. South Carolina met on March 11, and repealed its ordinance. Jackson was hailed as the savior of the Union. The Whigs thought Henry Clay had again saved the country by a compromise as he had saved it in 1820.

The West opposed the bank, because it maintained a monopoly of the business of the country. The new states wanted banks of their own. Jackson opposed the bank for many reasons, of which not the least was because the Whigs supported it. Another was because he believed it to be unconstitutional. He was not satisfied with the decision

of the Supreme Court sustaining the bank. He said Marshall and the court were wrong. Lest there be any doubt of his feelings, he suddenly announced, in his first message to Congress, in 1829, that he wholly disapproved of the bank, and that its charter ought not to be renewed. This was a declaration of war on the bank, for its charter had yet eight years to run. But the President was resolved to crush the bank, and have his supporters to understand that no one who favored it could expect favors from him. Every Jackson man understood that the Democratic party was now opposed to the bank. Opposition to it was, as we would now say, "a plank in the party's platform." Jackson construed his re-election as proof that the people wished the bank destroyed.

The Whig, or National Republican, platform advocated a different policy. Clay and Sergeant stood for "an adequate protection to American industry"; that is, a protective tariff; "a uniform system of internal improvements, maintained and supported by the general government." They maintained that "the doctrine . . . that 'to the victors belong the spoils of the vanquished' is detrimental to the interests, corruptive to the morals, and dangerous to the liberties of the country."

Convinced that the people had repudiated the Whig platform, Jackson renewed his warfare on the bank. He instructed the Secretary of Treasury, William J. Duane, in 1833, to remove the public money from it, place it in designated state banks, and no longer deposit in the national bank. Duane refused to obey or to resign. Jackson declared the secretaryship vacant, and appointed Roger B. Taney (then Attorney-General) Secretary, and he obeyed. The Whigs at once nicknamed the chosen state banks "pet banks."* But the President's course was a severe blow to the bank.

* They were the Girard, of Philadelphia; the Manhattan, Mechanics', and Bank of America, of New York; the Commonwealth and Merchants', of Boston; the Maine, of Portland; the Commercial, of Portsmouth, New Hampshire; the Burlington, of Vermont; the Farmers' and Mechanics', of Hartford, Connecticut; the Union, of Baltimore; the Metropolis, of Washington; the Virginia, of Richmond; the Union and Commercial, of New Orleans; the Alabama, of Mobile; the Planters', of Natchez, Mississippi; the Union, of Nashville, Tennessee, and the Franklin, of Cincinnati, Ohio.

At once the Senate responded by a vote of censure, passed through Clay's influence, on March 28, 1834. It declared that the President had assumed powers not conferred on him by the Constitution. Jackson, whose temper was not under as good control as Washington's, exclaimed, on reading it: "Oh, if I live to get these robes of office off me, I will bring this rascal Harry Clay to a dear account." But the Whigs approved Clay's course. No sooner was the resolution of censure passed, than Benton gave notice that he should move that it be "expunged from the journal." For three years he persisted, till, near midnight of the 16th of January, 1837, the Senate passed the expunging resolution. The Secretary turned back the pages of the journal to the resolution of censure; he drew around it a broad, black line, and wrote across its face, "Expunged by order of the Senate." Jackson gave a dinner at the White House to all who had "stood by him in the long struggle." The Whigs said it was a violation of the Constitution to cross out any part of the official record of Congress.

The country was prosperous, and there raged speculations in lands lying along the countless lines of "projected" railways, canals, and turnpikes. This had been going on and increasing since 1825. Whole counties in the West were laid out in town lots and offered for sale in the East. So active was business, so vigorous the new West, so irresistible the flood-tide of immigration, a ten dollar lot to-day might sell for a hundred in three months. This was nothing less than land-gambling. Everybody who could loan a dollar was besieged by borrowers. The banks had more paper out than they could carry. Credit was as common as speculation.

The effect of speculation in land increased its sales. But most of the pay offered was state bank currency. What would the government do with this mass of paper? Land sales had increased from \$2,300,000 in 1831 to \$24,800,000 in 1836. If the government accepted state currency, it must hold it at par or lose millions of dollars. Moreover, the government had nothing to do, and wanted nothing to do, with these banks. The President meanwhile decided on a remedy.

On the 11th of July, 1836, he issued an order, through the Secretary of Treasury, which was at once given the name of the "Specie Circular." Hereafter land would be sold only for gold or silver, or land script. The effect was immediate. The western banks at once called on the eastern for specie—at a high rate of interest, to be sure—and the eastern banks took from their specie reserve to make the loan. This, of course, endangered the value of all paper money based on the reserve.

In 1836, the nation was out of debt, and there was a surplus in the treasury. Congress passed a law distributing among the states all the surplus over five million dollars. Specie payments to the states were made in 1837—then payments suddenly ceased. The government had voted away thirty-seven million four hundred thousand dollars, but before the gift had left its hands, the Treasurer was without funds to meet the daily expenses of the government. The panic of 1837 had begun.

The pet banks held most of the government's money, which they had used in business. Much of it was loaned to merchants, lumbermen, milling companies, improvement companies of various kinds, and to individuals. Most of these borrowers were engaged in legitimate business, and were the "sound business men" of the community. When Congress voted to divide the surplus among the states, nearly forty million dollars were suddenly demanded of the banks. They in turn demanded of their patrons who had borrowed from them. These in turn fell back upon their debtors, large and small. Speculation had led to the abuse of credit. Nobody had ready money, and nearly everybody was in debt.

The panic had been under way three months when the presidential election was held. Jackson declined a third term, but indicated Van Buren as his successor. The Democratic national convention, held in Baltimore in May, 1836, carried out his wishes, and also nominated Richard M. Johnson, of Kentucky, for Vice-President. No platform was adopted. It was known that Van Buren would continue Jackson's policy. The Whigs held several state conventions, but no national convention. Three Whig tickets

were nominated: for President, William Henry Harrison, Daniel Webster, and W. P. Mangum (of North Carolina); for Vice-President, John Tyler, of Virginia; Francis Granger, of New York, and John McLean, of Ohio. Since the last election of a President, two states had been admitted: Arkansas, a slave state, June 15, 1836, and Michigan, a free state, which voted now, though it was not formally admitted till January, 1837. Of the popular vote, Van Buren received 761,549, Harrison 736,656. South Carolina continued to choose presidential electors by its legislature.

Of the electoral votes, Van Buren received 170, Johnson 147, Harrison 73, Webster 14, Granger 77, Tyler 47. The close popular vote showed that the country was quite evenly divided on Jackson's policy. The Democrats retained the Senate, but the House was Whig. On his retirement, Jackson issued a farewell address, in imitation of Washington. He had ruled with a firm hand. He had sustained the Union at a critical time. His return to his home, the Hermitage, near Nashville, was a long ovation. He was the only President who closed his term a more popular man than when he began it. During the remaining eight years of his life he devoted himself to his plantation, and was counselor of those he left the leaders of his party.

President Van Buren's term was a trying one. All through it people suffered from "hard times." Some blamed him, others blamed the specie circular. Others said that the real cause of public misery was the donation of the surplus revenue to the states. The President called Congress in extra session to devise some remedy for the panic, which, before midsummer, had swept over the country and reduced thousands to poverty—such poverty that to this day it is spoken of by old people as "*the* panic." Congress had an empty treasury to fill. It proceeded to fill part of it by issue of treasury notes, which, to the amount of ten million dollars, began another national debt. Van Buren was a good financier. He was the wealthiest of our Presidents, and had become rich by prudent management. He believed that the government should handle its own funds, receiving its revenue, and paying its creditors through its own agencies, but his party was still devoted to state

banks. Finally, in 1840, the sub-treasury, or independent treasury, now used, and which he first recommended, was adopted, though it was not firmly established till 1846, having been repealed meanwhile by the Whigs.

The Whigs impatiently waited these four years for another election, as the Democrats had waited when John Quincy Adams was chosen. In 1838, at Warsaw, and in 1840, at Albany, there assembled a new party in convention, which called itself the Liberal party, and its creed was the abolition of slavery. It nominated James G. Birney, of New York, and Francis Lemoyne, of Pennsylvania. The Whigs met in national convention at Harrisburg in December, 1839, and nominated Harrison and Tyler. The Democrats met at Baltimore in May, 1840, and renominated Van Buren, but could not agree on a Vice-President. It adopted a platform of which these were the provisions:

The powers of the United States government should be strictly construed. Internal improvements at national expense are unconstitutional. A tariff for necessary revenue; none for protection. The government must be economically administered. A United States bank is unconstitutional. Congress has no power, under the Constitution, to interfere with slavery or control it; it is a domestic institution wholly under the control of the states. The party would support the independent treasury scheme.

Until 1840, presidential elections had been managed by the congressional caucus, by state legislatures, or of late years by the nominating convention, but in this campaign the people took the election into their own hands. The condition of the country had greatly changed since the day Jackson was first chosen. Turnpikes, canals, railroads, enabled the people to get together as never before. The long-continued depression of business had caused the familiar cry, "Anything for a change." The campaign, as we know a campaign, began—mass-meetings, open-air speeches, almost endless torch-light processions, barbecues, songs, caricatures, and ten thousand devices to give effect. In every Whig meeting and procession, the log cabin and the coon were conspicuous. General Harrison had spent most of his life on the frontier, fighting Indians or making

treaties with them for their lands. His opponents represented him as a rough, ignorant man, dressed in the garb of a frontiersman, with coon-skin cap, or as a western settler, sitting in his log cabin, "drinking hard cider and skinning coons." Then the West took up Harrison, accepted the log cabin and the coon as a badge of political faith, and went into the campaign. And such a campaign! Men talk about it yet. Monster meetings, to be addressed by a score of speakers, were arranged all over the North. A paper of the day claims that one hundred thousand people assembled at Dayton, Ohio, to greet Harrison. A refrain of one of the log-cabin songs, "Tippecanoe and Tyler too," has come down to our time with no uncertain ring, and has passed into common speech. Such an uprising had never before been known in this country.

At last the 3d of November was over. Harrison had received 1,275,059 votes, Van Buren 1,128,700, Birney 7,059. In spite of the noisy campaign, Harrison's popular majority was not phenomenal. But in the electoral college he and Tyler had received 234 votes to 60 for Van Buren and 48 for Johnson. Both branches of Congress were Whig. For the first time in forty years the Democrats were routed at the polls in a national election.

CHAPTER XXVIII

THE ASPIRATION OF THE WHIGS

1840-1848

Though Harrison was President, Clay was the recognized leader of the Whigs, and he now came forward with several "Whig reforms" which he expected to carry through Congress.

The independent treasury law should be repealed; a national bank established; a temporary loan be made to meet pressing obligations of the government; a tariff law with higher duties passed, and the proceeds of public land sales be distributed among the states.

Harrison approved the program, but suddenly, just a month after his inauguration, he died, and John Tyler, who, though elected by the Whigs, was not a Whig, succeeded at the presidency. Death had ruined the Whig program.

Clay went on with his program. The independent treasury law was repealed, and the bill was signed by the President, but he would do no more, and he faced the party with veto after veto. Clay was defeated "in the house of his friends." So the Whig leaders met and declared political war against Tyler, who boldly accepted the challenge. His Cabinet, save one member, resigned, but he summoned a new one, not composed of Whigs. The proposed Whig reforms passed, much modified from Clay's original plan.

At this time a treaty with Great Britain was pending, and Webster, the Secretary of State, remained in the Cabinet to complete it. On the 9th of August, 1842, it was signed, in Washington, by Lord Ashburton for England, and Webster for the United States. Webster then resigned. The treaty defined the boundary from the River St. Croix to the St. Lawrence; from the western point of Lake Huron to the Lake of the Woods, and imperfectly

from the Lake of the Woods to the Rocky Mountains. It also provided for mutual action of the two governments to suppress the slave trade.

Meanwhile, Texas had become an independent republic, in 1836. Many Americans had migrated to the new country, and at once began maneuvering for its annexation to the United States, but many northern members of Congress took alarm, for eight or ten slave states might be made out of Texas. Though as yet there was no controlling anti-slavery sentiment in the North, a conviction had been growing there for twenty years that the slave-holding area ought not to be increased, and that the territories should be kept free soil.

Van Buren had declined to hold any negotiations whatever leading to annexation, but Tyler, a defender of slavery, opened negotiations in secret. This much, and this only, was known. Finally, Tyler negotiated a Texas treaty and sent it to the Senate in April, 1844. It was rejected by a vote of more than two to one. But the President had gained his point. He knew that thousands favored annexation. Rejection of his treaty made the question an issue in the presidential campaign of 1844. Texas had asked for admission into the Union. What answer would the American people make? Important events had also raised another issue: the ownership and boundaries of Oregon. Russia had agreed to come no farther south than $54^{\circ} 40'$, and England and the United States in 1818 had agreed to a joint occupation of the country for ten years, but in 1827 they agreed to continue it till either party should give a year's notice that the joint occupancy should end. The fur companies, English and American, were competing within its borders. A young missionary, Marcus Whitman by name, sent out by the Methodist board of missions, reached the Columbia in 1835. He returned, asked for support, and a year later went back with his wife and another missionary. The way was opened, and immigrants soon followed. Their route was from Westport, Missouri, across the plains, through the passes, and down the streams to the coast. By 1840, nearly one hundred and fifty had arrived in Oregon. To counterbalance this American

influence, the Hudson Bay Company quickly brought in Canadian immigrants. England and the United States were contesting for Oregon by sending people to inhabit it.

In 1842, Whitman made a marvelous journey to Washington to tell the news that the English were taking Oregon. Five months had he been on the way, facing perils from wintry weather, from savage beasts and from more savage men, but he found neither President nor Congress much interested in Oregon. As the story of his wonderful ride of three thousand miles in midwinter spread over the country, the people took up his cause. "Let us go to Oregon," was the cry. In June, 1843, Whitman was again at Westport, with his face toward Oregon, and a thousand people were following his lead. Six thousand more came during the next two years. By this time the presidential campaign of 1844 was in full swing, and people were shouting, "Oregon, the whole or none!" "Fifty-four-forty, or fight!" "Reannex Texas!"

The new issues puzzled some of the presidential candidates. In August, 1843, at Buffalo, New York, the Liberty party met in convention and nominated James G. Birney, of Michigan, and Thomas Morris, of Ohio. Their platform was long. In substance, it declared that slavery rested on state authority; that within the territory exclusively controlled by the United States it ought to be abolished, and that the fugitive slave act ought to be repealed.

The Democrats held their convention at Baltimore, in May, 1844, nominated James K. Polk, of Tennessee, the speaker of the House, for President, and George M. Dallas, of Pennsylvania. Their platform demanded the repeal of the late Whig law distributing the public money arising from land sales among the states, the reoccupation of Oregon, and the reannexation of Texas.

At the Whig convention, held in Baltimore, also in May, Clay was nominated for President and Theodore Frelinghuysen, of New Jersey, for Vice-President. Their platform called for a tariff for revenue and protection, for the distribution of the public land revenue, and for a single term for the presidency.

Polk came out decidedly for the "reannexation" of

Texas and the "reoccupation" of Oregon. Clay was evasive. The Whigs were on the defensive; the Democrats went before the country with an aggressive policy.

The campaign was almost as spectacular as that recently for "Tippecanoe and Tyler too." Tyler had been renominated by a little gathering of his admirers, but he retired in favor of Polk. When the votes were counted, 1,337,243 were for Polk and Dallas; 1,299,068 for Clay and Frelinghuysen; 62,300 for Birney and Morris. Of the electoral vote, the Democratic candidates received 170; the Whig candidates 105. Both houses of Congress had a Democratic majority.

Tyler did not wait for Polk to add Texas to the Union. The people had spoken: "Let Texas come in." And Tyler urged immediate action. Congress responded by a joint resolution for annexation. After some amendment, it passed March 1, 1845. The resolution provided that the boundaries of Texas should be left to the decision of Congress, and that four new states might be formed out of Texas, with its consent. In such states lying south of $36^{\circ} 30'$ slavery should exist, "as the people of each state may desire"; in such lying north of this Missouri Compromise line, slavery should be prohibited. On the 29th of December, Texas was proclaimed a state of the Union by President Polk. Mexico had lost Texas in 1836. Its boundaries were still in dispute.

In Oregon, the President and Congress showed less interest. England was not Mexico, and could not be treated quite so brusquely. The claim to $54^{\circ} 40'$ was resisted by Great Britain. To admit it, left Russia, the United States, and Spain in possession of the Pacific coast. Canada would be cut off. But notice to England that the joint occupation should terminate was given by the President in June, 1846, and a treaty was signed in August. The boundary of the Northwest was established from the Rocky Mountains to the middle of the channel of Fuca's Strait, and thence to the Pacific. Oregon was at last peacefully ours.

But Texas was ours with war. Mexico claimed that the Nueces River was her eastern boundary; Texas claimed that the true boundary was along the Rio Grande. Here

was a disputed territory larger than three states as great as New York. By the resolution admitting Texas, her boundaries were to be determined by Congress. The President, supported, as he knew he would be, by Congress, promptly claimed this disputed territory. This carried our western boundary midway along the Rio Grande from its mouth to its source, and thence to the 42d parallel. As commander-in-chief of the army, the President ordered General Zachary Taylor, one of the "famous boys" of Washington's time, to march at once and occupy the disputed territory. With equal promptness, the Mexican army crossed the Rio Grande, April 24, 1846, and attacked Taylor. He sent the news to the Secretary of War. From Washington it went all over the country; "American soil invaded! General Taylor attacked by the Mexicans!" "American blood shed on American soil!"

There were thousands of Americans, chiefly Whigs, who believed that the disputed territory was Mexican soil; they had opposed "reannexation" from the start. The President, by a special message to Congress, May 11, declared: ". . . We have tried every effort at reconciliation. The cup of forbearance has been exhausted. . . . Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon American soil." And that, "War exists . . . by the act of Mexico herself." "Energetic and prompt measures" were recommended.

Whigs, who opposed the whole Texas acquisition, boldly questioned the truth of the President's statements. But not all Whigs were in opposition. Congress declared war on the 13th, and the call of the President went out for fifty thousand volunteers. On the very day war was declared, news was on the way to Washington that Palo Alto and Resaca de la Palma had been fought and won, and Matamoros taken by our troops. Monterey fell into their hands September 24; General Santa Anna was repulsed at Buena Vista, February 23, 1847.

Santa Anna expected to destroy Taylor's army at Buena Vista, for he knew that General Winfield Scott had arrived at the mouth of the Rio Grande, had assumed the chief

command, had ordered Taylor to send him ten thousand men, and probably had so weakened Taylor as to make his defeat easy. A less resolute soldier than Taylor might have been defeated. In the thickest of the fight a summons to surrender reached Taylor. "General Taylor never surrenders," was the reply. The country took it up, and the answer became a national saying, like Pinckney's "Millions for defense, but not one cent for tribute." There was a slight difference. Taylor was accurately reported. Buena Vista was a desperate battle. It made Taylor a national hero.

There were two soldiers in Mexico who were boys when Washington was President, Taylor and Scott, and General Scott had about twelve thousand men. The fleet brought them to Vera Cruz on the 7th of March, 1847. Then began a march from the sea such as the world had not seen since Xenophon brought his ten thousand Greeks to the sea over two thousand years ago. Men are still living who made that march with Scott from Vera Cruz to the City of Mexico, more than two hundred miles. It began on the 8th of April.

On the 18th, the army swept through the pass of Cerro Gordo, storming the heights. Higher, wilder, rougher rose the mountains, and the long Mexican cannon were pointing from above. Onward, irresistible, swept the army, thinning every day from incurable fever and the steady fire downpouring from the ambushed enemy. Every day a battle and a victory.

On the 10th of August, the army reached the crest of the mountains, and caught sight for the first time of Mexico, the capital, the "Venice of the Aztecs," the place which Cortés and the conquering Spaniards had sighted and conquered over three hundred years before.

Never was a capital surrounded by such a maze of defenses—impassable swamps and frowning fortresses. But one after another the great fortresses were stormed, till at last, on the 13th of December, Chapultepec itself, the fortress which the Mexicans believed impregnable, was taken by storm. "The Americans have wings," exclaimed the Mexicans, and fled in consternation. On the next day,

Scott and his conquering army entered the city and camped in the famous "Hall of Montezuma."

Eastern people now for the first time were talking of the California country, which many were saying had been discovered by John C. Fremont. The Oregon migration had turned public attention to the Pacific coast. Lewis and Clarke, in 1805; Pike, in 1806; Major Long, in 1820; Captain Bonneville, in 1832; Whitman, in 1835; traders, scouts, hunters and trappers, and immigrants, whose names are now forgotten, had been passing into that wonderful country now for a dozen years, and news came back telling of countless kinds of buffalos, enormous grizzly bears, lofty mountains with snow-capped peaks, and natural resources unexplored and inexhaustible.

Into this Eldorado led two trails, by this time plain as turnpikes: the Oregon trail, to the northwest; the Santa Fé, to the southwest. Most of the pioneers had gone over the Oregon trail, and it is familiar to us through Francis Parkman's famous book, which tells his adventures when, fresh from Harvard, he went over this trail in 1844. Two years before, Fremont, then a lieutenant in the army, had been sent by Congress to find the best route for immigrants to the coast. He found the route by the South Pass an easy one. During the years 1842, '43, '44, and '45, Fremont explored the vast region between Texas, Kansas, and the coast. He made a map of the country, partly from his own observations, partly from Indian and Spanish hearsay. His journeys back and forth were full of adventure. They stirred the imagination of thousands of people in the East, who determined to go to California as soon as the war was over. When Fremont, on this third expedition, reached Monterey, in the fall of 1845, "American blood had been shed on American soil," war was raging, and the Mexican authorities ordered him to leave the country at once.

It was June, 1846. Fremont, of course, did not know of the great military operations going on while now he was considering the Mexican order. Could he have looked down into Kansas, he would have seen a small American army, under Colonel Stephen W. Kearny, invading New Mexico from Fort Leavenworth, his base of supplies; cap-

turing the old Spanish city Santa Fé, and boldly starting for the Spanish coast towns, having raised the American flag over his conquests and declared the whole country American soil. Though Fremont knew nothing of Kearny's movements, he unconsciously anticipated that brave soldier's plans.

San Francisco was a harbor, but not yet a city. Here and there along the coast were Americans, chiefly engaged in the fur trade. With slight respect for Mexican authority, and no fear of it, this handful of men decided to declare California independent. Various names were used for it, but the name Bear State struck their fancy, and they raised a flag on which was the roughly drawn figure of a bear. A part of our navy, under Commodore Stockton, was stationed on the Pacific coast at this time. Fremont, Stockton, and the founders of the Bear State acted together. Mexico was powerless to resist. Just as these things were accomplished, Kearny and his army arrived. The conquest of New Mexico and California was complete.

It was clear to Congress and the country how the Mexican War was to end. We were bound to acquire extensive territory. The Whigs had grumbled against the war, and supported it. But the Liberal party, which was increasing fast, had protested and opposed it all along. The President was anxious to bring the war to an end, as Mexico was now practically conquered. Our armies had possession of New Mexico and California, and California comprised all the country between Texas and the Pacific. Mexico would be obliged to accept our terms. It would not do to have it appear to the world that we had waged a war of conquest against a weaker power—our neighbor Mexico. Then, too, it was asserted that the whole purpose of the war was to gain more territory for slavery. The California country would balance the country north of $36^{\circ} 30'$, from which slavery was excluded by the Missouri Compromise.

When now, on the 11th of August, 1846, the President sent a special message to Congress asking for an appropriation of two million dollars "to provide for any expenditure necessary to make in advance for the purpose of settling all our difficulties with the Mexican Republic," everybody

knew that this meant a land-purchase, and a large one. David Wilmot, a member of the House from Pennsylvania, at once proposed a proviso to the grant: all land bought should be free soil. It already was free soil, as Mexico had abolished slavery in 1827. After much debate, the appropriation, increased one million dollars, was passed without the proviso.

But Wilmot had succeeded in raising a great issue: whether the government of the United States should adopt a policy of excluding slavery from the territories.

On the 2d of February, 1848, the treaty was signed. We gave up Mexico, but kept Texas to the Rio Grande, and all New Mexico and Upper California. In return, our army was withdrawn from Mexico, and the United States paid that republic fifteen million dollars, besides assuming the debts due from Mexico to the citizens within the territory we acquired.

The new acquisition comprised 522,568 square miles, and cost us four and one-half cents an acre. The treaty was obscure as to the exact boundary between the two countries. The fault was corrected in 1853, by a treaty, negotiated in December, on the part of the United States, by James Gadsden. By its terms, the Masilla Valley was purchased, an area of 45,535 square miles, for ten million dollars, or thirty-four cents an acre.

All the new country by Mexican law was free soil. Should it remain so? This was the great question in 1848, when the people were to hold another presidential election.

The Democratic party met in national convention at Baltimore, in May, 1848, and nominated Lewis Cass, of Michigan, and William O. Butler, of Kentucky. The Whigs met in convention in Philadelphia, in June, and nominated General Taylor, of Louisiana, and Millard Fillmore, of New York. The Free-Soil party, a new name which the old Liberty party and its new supporters had taken, met in Buffalo, and nominated ex-President Van Buren, and Charles Francis Adams, of Massachusetts. Neither the Democrats nor the Whigs said a word in their platform about slavery. The Free-Soilers were outspoken. They said that Congress should not interfere with slavery

within the limits of any state, and that "Congress has no more power to make a slave than to make a king." It should prohibit slavery in the territories, and prevent its extension into new ones. The party demanded "cheap postage for the people"; river and harbor improvements at national expense; the free grants of public land to actual settlers; a tariff sufficient to run the government and pay its debts. "Free soil, free speech, free labor, and free men" was its motto.

The two old parties adopted no platforms, but stood on their record; the new party was aggressive.

The Whig candidates received 1,360,601 popular votes and 136 electoral votes; the Democratic, 1,220,544 popular and 127 electoral votes; the Free-Soil, 291,263 popular and no electoral votes. Congress was Democratic in both branches. During Polk's term four states had been admitted:

Florida, March 3, 1845. Slave.

Texas, December 29, 1845. Slave.

Iowa, December 28, 1846. Free.

Wisconsin, May 29, 1848. Free.

The Union now consisted of fifteen slave and fifteen free states. The 4th of March, 1849, fell on Sunday. Taylor and Fillmore were inaugurated on the 5th, and the country was to have a second Whig administration.

CHAPTER XXIX

SLAVERY AGITATION

1848-1860

In eight years, the vote for slavery restriction had increased from seven thousand to two hundred and ninety-one thousand, and a well-organized party now demanded that Congress should make the territories free soil. It declared that Congress had no power to interfere with slavery within the states. Half of these were slave states. West of the free states, beyond the Mississippi, extended the vast region north of $36^{\circ} 30'$, in which slavery was prohibited by the compromise of 1820. West of the slave states lay the recent acquisition from Mexico, much of it south of $36^{\circ} 30'$. It was free soil when acquired. Should it be opened or closed to slavery?

The people of the slave-holding states were united in their feelings about the matter. These were their views: They complained that the fugitive slave law was persistently violated in the North. Fugitive slaves were aided to escape, not merely by individuals, but by the legislature and the courts. Massachusetts, New York, Pennsylvania, and Rhode Island had passed laws, popularly called "personal liberty bills," which made it an offense of a serious nature to assist in capturing or returning fugitive slaves, and the state courts in these states would not hear fugitive slave cases; they must be heard in the United States courts.

Abolitionists throughout the North kept up a constant and dangerous anti-slavery agitation. They held meetings, published books and papers, and sent them into slave states, for the purpose of making slave property insecure. Remonstrance by the South was in vain. The agitation was becoming more vehement and dangerous every day.

The slave-holding states, equal in number to the free

states, had equal rights under the Constitution. These rights were, to settle anywhere with slave property and have it protected. The Louisiana and Mexican acquisitions were due as much to the people of the South as to those of the North. The South believed in African slavery, and that the territories should be open to slavery without restriction. Therefore, the Missouri Compromise (1820) was all wrong, and a discrimination against the South. Congress had no power over slavery whatever.

The Wilmot proviso was an attack on the South which, it said, should be resisted by arms if necessary. Congress had no right to abolish slavery in the District of Columbia without the consent of Maryland and Virginia. Was it not time to form a southern confederacy and leave the free states to themselves?

Public feeling in the North was by no means unanimous, for the South had many sympathizers there. Those who utterly differed from the South in opinion declared again and again that they were not its enemy, but the enemy of slavery. But anti-slavery feeling on the question of the extension of slavery into the territories was decided, and ran as follows:

Congress had power to exclude slavery from the territories, because by the Constitution they were wholly under its control. This applied to the District of Columbia. Not only was this the opinion of the Free-Soilers and abolitionists, but of the state legislatures. They passed resolution after resolution affirming the right and power of Congress to keep slavery out of the territories, and many of them instructed their Congressmen and requested their Senators to vote for the restriction of slavery from the territories. But no legislature gave instructions to vote for the abolition of slavery within the slave-holding states. At this time the slave trade flourished in the District of Columbia. The northern members of Congress were instructed to vote for its abolition.

The anti-slavery people of the North complained that anti-slavery literature was thrown out of the southern mails, in violation of right, if not of law; that men who opposed slavery were in danger of their lives, and that

some, like Elijah P. Lovejoy,* had been murdered for their opinions, and that from 1836 to 1844 Congress had refused to entertain anti-slavery petitions, under the "gag rule."

The abolitionists asserted that the "personal liberty bills" were just; that slavery was wrong; that the whole country ought to be free soil; and that the Missouri Compromise merely made a wicked concession, and ought to be repealed.

But only a small portion of the people of the North were abolitionists. They insisted that the Free-Soil party did not go far enough, as it said nothing against slavery within the states. Slavery ought to be destroyed. The Free-Soilers said: "Exclude it forever from the territories."

Thus on the subject of slavery the people of the United States in 1849 were much divided. Up to the 28th of January, 1848, the question of forbidding or permitting slavery in the territories, though a critical was not a pressing question. The news of that day suddenly changed the history of the Far West and made slavery in the territories and in the states the most important question for the nation to settle.

On that January day, a millwright named Marshall, who had come to the coast from New Jersey, while at work on a millrace for Captain Sutter, near Sutter's fort, on the American River, a fork of the Sacramento, saw yellow particles in the loose mud and gravel brought down by the water. Suspecting its nature, he collected specimens and carried them to his employer. Sutter made a few rude but reliable tests and pronounced the particles gold. The secret could not be kept. First, a Mormon laborer suspected, and then proved the discovery. Then the news spread up and down the valley, up and down the coast; over California, along the trails of the Mississippi Valley; over the

*Rev. Elijah P. Lovejoy was murdered at Alton, Illinois, November 7, 1837, while defending his newspaper, *The Observer*, against a pro-slavery mob. The changes wrought by time are suggested: on November 7, 1897, a monument of colossal proportions was erected to his memory on the bluff at Alton, and Lieutenant-Governor Northcott made an address on behalf of the State.

East, the North, and the South; to Europe and Asia and Australia, and so over the whole world.

Never did news work a more sudden transformation. Nearly a year passed before President Polk told the news to Congress, but by that time the rush for the mines was well under way. In less than a year and a half, two hundred thousand men had reached California. Sutter's saw-mill was converted into a hotel, and rented for thirty thousand dollars a year. Cities sprang up in a few months. Civil government was for a time in abeyance. But the instinct of the American is for law and order. The men of California sent delegates to a convention at Monterey in September, 1849, made a state constitution, and asked for admission into the Union. President Taylor had advised them to do so. The new state would be the thirty-first, and either the sixteenth free or the sixteenth slave state. It asked for admission as a free state.

The request for admission complicated the slavery question. Its admission would break the equality of the states in the Senate, whose sixty members were equally divided as representatives of fifteen free and fifteen slave states, and give the free states thirty-two Senators. In the House the free states already had one hundred and thirty-nine members; the slave states ninety-one. The differences between the North and the South, specified a few paragraphs back, were now keen and critical. Would the South consent to another free state, in California, which extended far south of 36° 30'? Was the Union to be broken up?

As in 1820 and in 1833, Henry Clay now came forward with a compromise measure, which proposed to admit California at once as a free state; to abolish the slave trade, but not slavery, in the District of Columbia; to make a more severe and effective fugitive slave law, to organize Utah and New Mexico as territories, with no mention of slavery, and to buy from Texas all she claimed of New Mexico and thus fill the empty treasury of that state.

It may be noticed that the first and second propositions favored anti-slavery men; the third and fourth favored pro-slavery men; the fifth made the fourth possible and put money into the empty treasury of Texas.

The question of admitting the thirty-first state into the Union came before the thirty-first Congress. Its oldest members were now old men, who were children when Washington was President. Most eminent of this group, in the Senate, were Clay and Webster, Benton and Calhoun; of those whose memory went back to Madison's administration were Hannibal Hamlin, of Maine; John P. Hale, of New Hampshire; William H. Seward, of New York; William L. Dayton, of New Jersey; James M. Mason, of Virginia; Willie P. Mangum, of North Carolina; Thomas Corwin and Salmon P. Chase, of Ohio; Jefferson Davis, of Mississippi; Stephen A. Douglas, of Illinois, and Lewis Cass, of Michigan.

In the House, among the men who recalled the War of 1812 vividly, and who were now in middle life, were: Robert C. Winthrop, of Massachusetts; Thaddeus Stevens and David Wilmot, of Pennsylvania; Howell Cobb, Alexander H. Stephens, and Robert Toombs, of Georgia; Jacob Thompson, of Mississippi; Joshua R. Giddings and Robert C. Schenck, of Ohio; Humphrey Marshall, of Kentucky; Andrew Johnson, of Tennessee, and Edward D. Baker, of Illinois. The thirty-first Congress contained a large number of the most famous men our country has produced. Some of them were as old as the government. Webster, Clay, and Calhoun were in the Senate together for the last time. A little younger than they were the men who were soon to take their places as leaders: Seward, Chase, and Davis.

Clay, in February, opened the great debate with an explanatory speech, and in a second, discussed the all-absorbing theme of his resolutions, with unsurpassed fire and all the fascinating power with which, though now an old man, he had in former years moved the multitude. March followed with three speeches that have gone into history. Calhoun came from his sick-chamber and listened, "like some disembodied spirit reviewing the deeds of the flesh," while Senator Mason read his speech for him on the 4th of March. It was Calhoun's last word.

"I have, Senators, believed from the first," said he, "that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in

disunion." He said that the equilibrium between the North and the South had been destroyed by the ordinance of 1787; by the Missouri Compromise; by the various tariffs for protection; by the ascendancy of the North in the government; by anti-slavery agitations since 1835, and by refusal to carry out the fugitive slave law. If differences between the two sections could not be settled "on the broad principles of justice and duty, . . . "let the states . . . agree to separate and part in peace."

On the 7th of March, Webster spoke. The law of nature, he said, excluded slavery from California and New Mexico; they were mostly arid wastes; their barren mountains were capped with perennial snow. Taking up the complaints of the South, he found the South right and the North wrong, and particularly in refusing to carry out the fugitive slave law, and in permitting abolition agitations.

Seward spoke on the 11th. "California," said he, "is already a complete and fully appointed state." He answered Calhoun's speech in detail. He declared that the compromise proposed would not restore the equilibrium between the North and the South. "The states are not parties to the Constitution as states; it is the Constitution of the people of the United States." "Slavery is only a temporary, accidental, partial, and incongruous" institution. "Freedom," on the contrary, is a perpetual, organic, universal one, in harmony with the Constitution of the United States. . . . You may separate slavery from South Carolina, and the state will still remain; but if you subvert freedom there, the state will cease to exist. But there is a higher law than the Constitution," the law of nature, of justice, of liberty.

Nearly every prominent member of Congress spoke. Finally, on the 19th of April, Clay's resolutions were given over to a committee of thirteen, of which he was chairman, and which reported on the 8th of May. Bills were duly prepared to carry out its report, and after much further debate, were enacted as laws on the 9th of September.

California was admitted as a free state. Texas was given its present boundaries, and received ten million dol-

lars for the portion of New Mexico it claimed. New Mexico and Utah were organized as territories. When admitted as states, they should be received "with or without slavery," as their constitution might prescribe at the time of this admission. A more effective fugitive slave law* was passed and signed by the President, September 18, 1850.

On the 9th of July, while the excitement of the debate was at its height, President Taylor died, and was succeeded by Millard Fillmore. He called Webster into his Cabinet as Secretary of State. Calhoun died on the last day of March. Clay was left in the Senate, the last of the great "triumvirate," as Webster, Calhoun, and Clay are sometimes called.

The idea carried in the bills for Utah and New Mexico was new—that slavery might or might not exist as their constitutions might declare. This took away from Congress its power to grant or to refuse admission, merely because a new state constitution was slave or free. It did not settle the question whether, in 1850, slavery could exist in either of these territories. The long debate brought out the general admission that that question could be settled only by the Supreme Court.

In the North, the most unpopular part of the compromise was the new fugitive slave act. There, it was commonly remarked, "this law makes every one a slave-catcher." But the law pleased the South. Many a fugitive was caught and thousands of free negroes lived in terror of seizure. Rescues became common. Hatred of the law became so strong, personal liberty bills were enacted or re-enacted by Vermont, Rhode Island, Connecticut,† Maine, Massachusetts, and Michigan,‡ and later by Wisconsin, Kansas,§ Ohio,|| and Pennsylvania.¶ The fugitive slave law did more than anything else to make the North anti-slavery.

Early in June, 1852, the Democrats met in national convention, at Baltimore, and nominated Franklin Pierce, of New Hampshire, and William R. King, of Alabama. Their platform declared that Congress has no power to

*This law was signed by President Fillmore.

†1854.

‡1855.

§1858.

||1859.

¶1860.

charter a national bank, nor to interfere with nor control the domestic institutions of the states. The Kentucky and Virginia resolutions and Madison's reports to the Virginia legislature, in 1799, were the main foundations of the Democratic party's creed.

The party promised to adhere to the compromise of 1850, but earnestly asserted that the efforts of the abolitionists ought not to be countenanced.

Later in June, the Whig convention met at Baltimore, and nominated Winfield Scott, of New Jersey, and William A. Graham, of North Carolina. The platform declared that the Constitution vested Congress with power to make internal improvements, and that as the compromise of 1850 settled all the questions it embraced, there should be no more agitation of the slavery question. American industries should be encouraged by a tariff law, but indirect taxes should be preferred to direct taxes.

In August, the Free-Soil convention assembled at Pittsburgh, and called the new party "The Free Democracy of the United States." The platform declared that there should be "no more slave states, no slave territory, no nationalized slavery, and no national legislation for the extradition of slaves."

"Slavery is a sin; Christianity, humanity, and patriotism demand its abolition." "The fugitive slave act of 1850 is repugnant to the Constitution, to the principles of common law, and to the sentiments of the civilized world." It should be repealed at once. "The compromise of 1850 is unjust, oppressive, unconstitutional" and "inconsistent with the principles and maxims of Democracy." "Slavery is sectional; freedom, national." The general government should totally separate from slavery and leave it to the states. Congress should make internal improvements, immigration from Europe should be encouraged, and free persons of color should be protected like other citizens.

The Democratic candidates were elected, receiving 1,601,474 popular votes and 254 electoral votes. The Whig candidates received 1,386,578 popular votes and 42 electoral votes. The Free-Soil candidates received 156,149 popular votes, but no electoral votes. Thirty-one states

voted, California having been admitted September 9, 1850. Both branches of Congress were Democratic. On the 4th of March, 1853, Pierce was inaugurated. People all over the country were weary of disputes about slavery. "I fervently hope that the question is at rest," said Pierce in his inaugural, "and that no sectional or ambitious or fanatical excitement may again threaten the durability of our Constitution."

On the 29th of June, 1852, Henry Clay died, in Washington, and on the 24th of October, Daniel Webster died, on his farm at Marshfield. It seemed as if the pillars of the state had fallen. The country was reminded, as by an electric shock, that the nation was on new ground; that Webster, Clay, and Calhoun, and their measures, were of the past; that new men and new measures had arisen, and that the three great statesmen, after twenty years of most persistent effort, had not settled the slavery question.

A few days after the death of Clay, appeared a powerful novel, picturing plantation "life among the lowly." It was called *Uncle Tom's Cabin*, and was written by Harriet Beecher Stowe. Never before did an American story meet with such a reception. Over three hundred thousand copies were sold before the summer was past. It was translated into foreign tongues and was received by the whole reading world. It was dramatized. Young and old read it with equal zeal, and the world has gone on reading it ever since. It appeared just as Webster and Clay departed, and when Whigs and Democrats were hugging the belief that the slavery question was forever settled. It was the first American book that everybody read, and it made more votes for free soil and abolition than the eloquence of Wendell Phillips, the poetry of Whittier, the protests and appeals of William Lloyd Garrison, and all other anti-slavery agencies combined.

When Pierce became President, the country north and west of Missouri to the Rocky Mountains had no government. Stephen A. Douglas, a Senator from Illinois, and chairman of the Senate Committee on Territories, reported a bill, in January, 1854, to organize the Territory of Ne-

braska, with or without slavery, as the people of the territory might choose. As the region was north of $36^{\circ} 30'$, the bill virtually repealed the Missouri Compromise. So, instead of being "forever settled," the slavery question suddenly came up, as hard to settle as ever.

The Free-Soil Senators made so stern an opposition to the bill, that its author abandoned it and brought in another which created two territories, Kansas and Nebraska, which repealed the Missouri Compromise and made the whole country west of the Mississippi and north of $36^{\circ} 30'$ either slave soil or free, as the people there might wish. The bill became a law May 30, 1854. Douglas and his supporters defended the law, as founded on the right of the people to choose their own state institutions. This right he called "popular sovereignty." The Free-Soil leaders, Seward, Chase, Sumner, and Thaddeus Stevens, opposed the bill because it opened the territories to slavery.

As the law left the question of slavery to be settled by the people of the new territories, the result would depend on which class of people should first gain possession and control of them. The strange spectacle was presented of a race between the North and the South for the possession of Kansas. The neighboring state, Missouri, was slaveholding, and its population had the advantage of nearness. At once the rush began. Hundreds crossed the Missouri and staked their claims. The principal town of the pro-slavery emigrants was called Atchison, after David R. Atchison, a Senator from Missouri, and acting Vice-President of the United States.

The anti-slavery people were equally active all through the North. The New England Emigrant Aid Society sent hundreds of settlers, and these were joined by scores from New York, Pennsylvania, and Ohio. The anti-slavery people named their principal town after Amos S. Lawrence, of Boston, the secretary of the New England society. By November, 1854, Kansas was held by two hostile populations, with guns in their hands and antagonistic political ideas in their heads. In March, 1855, an election of a territorial legislature and of local officers was held. It resulted in the choice of pro-slavery men. The anti-slav-

ery men declared that the election was a farce; that only pro-slavery votes were allowed, and that there were many times as many votes counted as there were men, women, and children in Kansas. Armed men came over in companies from Missouri, stuffed the ballot-boxes, and carried the election. The legislature thus chosen met at Pawnee, hastily adopted the slave code of Missouri, and organized the territory as slave soil.

With equal energy, the anti-slavery men quickly chose delegates to a convention at Topeka, in October, 1855, framed a state constitution forbidding slavery, sent it to the people for ratification, claimed that it was ratified, elected a legislature, a governor, judges, and other state officers, organized a state government, chose two United States Senators and a delegate to Congress, sent their state constitution to Congress, and asked to be admitted into the Union. The pro-slavery people of Kansas, and their friends over the country, claimed that no pro-slavery man was permitted to vote against the Topeka constitution.

The Kansas difficulties, the failure of the compromise of 1850 to stay settled, the repeal of the Missouri Compromise in 1854, and the sudden increase in foreign immigration, now compelled a reorganization of political parties. The fundamental question was, Shall any limit be put on slavery in the territories?

It divided the Whigs; those in the North said "Yes," those in the South said "No," but as the Whig party was weak in the South, the question broke up the party. It divided the Democrats. Many in the North said "Yes," all in the South said "No." The northern Democrats called themselves anti-Nebraska men, and joined with the northern Whigs, all taking the new party name.

The Free-Soilers, northern Whigs, and anti-Nebraska men had enough in common to unite. This they did generally throughout the North, and gradually they took the name Republicans. Many towns still claim to be the birth-place of the Republican party. It dates from the summer of 1854. Meetings called "Republican" assembled that year in Jackson, Michigan; Ripon, Wisconsin; and later, at Freeport, Illinois. That many towns claim the first

Republican meeting shows that the new movement was widespread from Vermont to Wisconsin.

For fifteen years, opposition to foreign immigration and to the election of persons of foreign birth to office had been gaining strength throughout the slave-holding states, and in most of the free-soil states. Men who carried this opposition into politics called themselves members of the American party. It was largely a secret organization. Its members simply voted against foreigners when they could. They were called "Know-Nothings," from their common answer when asked about their votes. It contained pro-slavery and anti-slavery men. It was strong in fourteen states. In 1856 it felt itself able to become a national party. On the question of slavery it was hopelessly divided. To the great question that faced the country, some of its members answered "Yes," others, "No."

The American party, or "Know-Nothings," met in convention at Philadelphia, in February, and nominated ex-President Fillmore and Andrew J. Donelson, of Tennessee. Their platform was substantially contained in their declaration, "Americans must rule America," and in their protest against "reopening sectional agitation by the repeal of the Missouri Compromise"; but this last statement drove many southern "Know-Nothings," out of the party.

The Democrats met in convention at Cincinnati early in June, and nominated James Buchanan, of Pennsylvania, and John C. Breckenridge, of Kentucky. Their platform advocated non-interference by Congress with slavery in state or territory, or in the District of Columbia, and popular sovereignty in the territories.

The new party, the Republicans, held their convention in Philadelphia, in June, and nominated John C. Fremont, of California, and William L. Dayton, of New Jersey, on a platform demanding that Kansas be at once admitted as a free state, that a railroad to the Pacific be built by the aid of the federal government, and that Congress prohibit slavery in the territories.

Of the popular votes, Buchanan and Breckenridge received 1,838,169; of the electoral votes, 174; Fremont

and Dayton received 114 electoral votes and 1,341,264 popular votes; Fillmore and Donelson received 874,534 popular votes and 8 electoral votes. Both houses of Congress were Democratic. But the anti-slavery people, though defeated, looked over the record of anti-slavery votes since 1840. They found:

James G. Birney, 1840, 7,059.

James G. Birney, 1844, 62,300.

Martin Van Buren, 1848, 291,263.

John P. Hale, 1852, 156,149.

John C. Fremont, 1856, 1,341,264.

And when they had read the list, they took courage.

Buchanan was inaugurated March 4, 1857.

Thirty-one years before Buchanan was inaugurated, a slave named Dred Scott, in Missouri, was taken by his master, an army surgeon, to Fort Snelling, in Minnesota; later he was taken to Illinois and back to Missouri. His master punished him. He sued for assault and battery, and his freedom, in the Missouri courts, on the ground that residence in a free state made him a free man. He won his case in the lower Missouri court, appealed it to the highest court in the state and lost it. He then appealed to the United States court in Missouri, which gave no decision, but passed the case on to the United States Supreme Court. The case was twice argued. A decision was reached two days after Buchanan became President.

The court held that the United States courts had no jurisdiction whatever in the matter. The decision of the highest state court must be considered as final. But the United States Supreme Court did not stop with merely dismissing the case for want of jurisdiction. From the court, greatly divided and disagreeing among its members, there now came several opinions on the slavery question.

The United States was not for all purposes a nation; the Constitution was a compact by the states; Congress had no control whatever over slavery; the ordinance of 1787 was unconstitutional, and so was the Missouri Compromise, 1820. As to the slave Dred Scott the court held that he was property, not a person; he could not

become a person in any court; he belonged to a race inferior and subject to the white man.

The pro-slavery people of the country received the decision with joy. They inquired, "What more can be asked than the decision of the Supreme Court?" Why should they not be pleased? It opened every inch of land west of the original thirteen states to slavery, and made freedom sectional and slavery national.

Meanwhile, the contest in Kansas had raged with undiminished violence. Armed men kept pouring into the territory from the North and the South, but for every man South, the North had two, so that Kansas contained more foes than friends of slavery. In September, 1857, the pro-slavery element met in convention at Lecompton, and made a constitution which contained two provisions that never again were to appear in an American constitution, that an American commonwealth is "a free, independent, and sovereign state," and that the right of property in man—the right to hold slaves—is inviolable.

The pro-slavery clause of this constitution was submitted to the voters, and the pro-slavery men claimed that it was ratified by a majority of nearly six thousand votes, but the anti-slavery men claimed that it was rejected by over ten thousand votes. Congress thus had two constitutions from Kansas: one permitting, the other forbidding, slavery. President Buchanan, in a special message to Congress, February 2, 1858, urged it to accept the Lecompton constitution. But a great change had come over public opinion; the House of Representatives, elected in 1858, was Republican.

The term of one-third of the Senators came to an end on the 4th of March, 1859, and the legislature chosen in 1858 would elect their successors. Among these Senators was Stephen A. Douglas, of Illinois, and he was a candidate for re-election. The Republicans of Illinois met in convention at Springfield, in June, and named Abraham Lincoln, of Illinois, as their "first and only choice" for a successor to Douglas in the Senate. At the convention which nominated him, Mr. Lincoln, on the 17th of June, made a speech of which this was the beginning:

"If we could first know where we are and whither we are tending, we could better judge what to do and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved. I do not expect the house to fall, but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward, till it shall become alike lawful in all the states, old as well as new, north as well as south." Lincoln then continued in an exhaustive discussion of the political issues.

To this speech Douglas replied, later, at Chicago. Lincoln then replied to Douglas. He replied to Lincoln, at Bloomington. Lincoln answered him at Springfield. Then a series of joint debates was arranged between them. Douglas designated the places and the dates, and opened the debate at Ottawa, August 21; it was continued at Freeport, Jonesboro, Charleston, Galesburg, Quincy, and Alton, and closed October 15. The great questions of the day were discussed. These were, the extension of slavery into the territories, the Dred Scott decision, and popular sovereignty. Douglas was re-elected to the Senate. The debate attracted national attention, and remains the most celebrated political debate in our history.

Among the anti-slavery men who went from New York to Kansas in 1855 was John Brown, and he went equipped to fight slavery. He was compelled to leave in 1858, and went to Harper's Ferry, Virginia. He had long been planning a scheme to make slave property so insecure that nobody could afford to possess it. At Harper's Ferry, in October, 1859, he suddenly, with the help of a dozen fol-

lowers, seized and held the United States armory. He intended to arm the negroes and start a slave insurrection. He was deceived in his plans. The slaves did not flock to him. He was speedily overpowered by a company of regular troops, commanded by Colonel Robert E. Lee; was indicted for murder and treason against the state of Virginia; was found guilty, and hanged at Charlestown, December 2, 1859. The anti-slavery people considered him a martyr; the pro-slavery people spoke of him as a murderer, a traitor, and an inciter of a servile insurrection.

On the 23d of April, the first of the great nominating conventions, the Democratic, met in Charleston, South Carolina. Divisions appeared as soon as the convention tried to adopt a platform. A majority insisted that the right to hold slaves could not be impaired by Congress or by a territorial legislature, and that it was the duty of Congress to protect slavery everywhere. A minority insisted that it would abide by the decision of the Supreme Court. The division broke up the convention, though both sections agreed that Cuba should be annexed; that the "personal liberty acts" were unconstitutional; that the fugitive slave law should be more faithfully executed, and that the Pacific railroad should be built with some aid from the general government.

The majority, the "Douglas" Democrats, adjourned to Baltimore, where in June they nominated Stephen A. Douglas, of Illinois, and Herschel V. Johnson, of Georgia. The "Breckenridge" Democrats also adjourned to Baltimore, and in June nominated John C. Breckenridge, of Kentucky, and Joseph Lane, of Oregon.

Meanwhile, the Constitutional Union party met in Baltimore, in May, and nominated John Bell, of Tennessee, and Edward Everett, of Massachusetts. They advocated "the Constitution of the country, the union of the states, and the enforcement of the laws."

In the same month, the Republicans held their convention in Chicago, and nominated Abraham Lincoln, of Illinois, and Hannibal Hamlin, of Maine. Their platform proclaimed that, "That new dogma that the Constitution of its own force carries slavery into any or all of the terri-

tories is a dangerous political heresy." The normal condition of all the territory of the United States is that of freedom. Congress has no authority to give legal existence to slavery in any territory of the United States. The African slave trade should not be reopened. Kansas should be admitted a free state. Congress should conduct internal improvements, and among them, help build a railroad to the Pacific coast. It should enact a homestead law.

Lincoln and Hamlin received 180 electoral and 1,865,913 popular votes; Breckenridge and Lane received 72 electoral and 848,404 popular votes; Bell and Everett received 39 electoral votes and 591,900 popular votes; Douglas and Johnson received 1,347,664 popular votes, but only 12 electoral votes. Thus Lincoln and Hamlin received a majority of the electoral vote and a plurality of the popular vote. Each branch of Congress had a large Republican majority. Thirty-three states voted. Minnesota had been admitted May 11, 1858; Oregon, February 14, 1859; both free. Lincoln was inaugurated March 4, 1861. The new ideals which he represented will be better understood if we glance for a moment at the condition of the country and the life of its people since 1830.

CHAPTER XXX

STATE SOVEREIGNTY

1776-1860

In an unpublished letter of Jefferson's occurs one of the earliest descriptions of national parties. It was written to John Wise, of Virginia, February 12, 1798, from Francis's hotel, late the Indian Queen, on Fourth Street, Philadelphia, where the Vice-President at the time lodged, and was accustomed to confer with his political associates. Wise had written demanding why Jefferson, in a recent conversation, had spoken of him "as of Tory politics." Jefferson's reply defined the radical difference between the parties of his day, and was a prophecy of the essential difference between them for a century to come. "It is now understood that two political sects have arisen within the United States—the one believing that the executive is the branch of our government which more needs support; the other, that, like the analogous branch in the English government, it is already too strong for the republican parts of the Constitution; and therefore, in equivocal cases, they incline to the legislative power; the former of these are called Federalists, sometimes Aristocrats or Monocrats, and sometimes Tories, after the corresponding sect in the English government of the same definition; the latter are styled Republicans, Whigs, Jacobins, Anarchists, Disorganizers, &c.; these terms are in familiar use with most persons; . . . both parties claim to be Federalists and Republicans, and I believe in truth as to the great mass of them, these appellations designate neither exclusively, and all others are slanders except those of Whig and Tory, which alone characterize the distinguishing principles of the two sects." * Probably in this letter is the first form of the famous sentence in Jefferson's first inaugural, six

* See *The American Historical Review* for April, 1898.

years later: "We are all Republicans; we are all Federalists."

Party differences in 1798 were in great measure a continuation of the long colonial struggle between assemblies and royal governors. The Revolution developed and intensified the cause of these differences, but until about the time when Jefferson retired from Washington's Cabinet the characteristic struggle of the century—that between the supporters of a strong legislative and a strong executive—had not effected party organization. This awaited a master mind, a manager of men. Jefferson, more than any other man of his generation, was a party organizer. He had quite perfected his work before he wrote his brief definition of parties.

He had witnessed the triumph of the assemblies and the flight of the governors. He had participated in establishing a lawful succession to the overthrown colonial executives, in the persons of governors for the states, and had served as chief executive of Virginia. But from the day when Congress first assembled it became the rival of the state legislatures and the object of their constant attack. Again the assemblies triumphed, and before a dozen years passed, Congress could not maintain a quorum. But the powers of the states in no wise diminished. They rested on an industrial foundation; they levied and collected taxes; they executed laws. However, the most difficult, the first step toward nationality had been taken; the national organism could not be destroyed. Economic necessity forced the legislatures to send delegates to the Philadelphia convention, to propose a form of government "adequate to the exigencies of the Union," and this body of unequaled men, taught by fear, expediency, and experience, refused to rest the fate of the new Constitution in the hands of the legislatures, but placed it in conventions specially chosen to consider it. The legislatures were outwitted, but the Constitution was saved. The new government was inaugurated, and, true to its plan, was maintained independently of them. But the states looked upon the new government as their own creation, whose functions and powers were obscure. When Jefferson wrote this letter, the new government was

in its tenth year. Practical administration was interpreting the so-called "supreme law of the land." Certainly no one need doubt of its limited character. Were not restrictions placed on Congress by eleven amendments; and were not ten of these the familiar provisions of the state bills of rights? Were not the legislatures the representatives of the paramount democracy of the land? The state constitutions determined who were citizens, who were electors. Not one of them set limits within which the legislature must act. These legislatures came down in unbroken succession from colonial assemblies, of which the first had met on a July day at Jamestown a hundred and seventy years before Washington was inaugurated. Had he not accepted the presidency the new government might have failed for lack of men. The people had confidence in their state governments and in Washington; they cared little for the government of the United States. It was not to establish this that Lexington and Yorktown were fought. Independence was sought and won that every man might enjoy his rights and liberties, and these were secured by the state constitutions. In popular conception, individualism was the chief corner-stone of American democracy. An act of Congress in the least curtailing the popular notion of individual rights and liberties was bound to provoke organized opposition. Undoubtedly, at this time, an exaggerated idea of personal liberty tended, in some parts of the country, to take the form of individualism gone mad. In the isolated rural districts along the frontier a strange notion of liberty prevailed. It was not thought of at the commercial centers. The law and order that prevailed in Boston, in New York, in Philadelphia, and in Charleston, were not the law and order that were respected beyond the Alleghanies, in Pennsylvania and Virginia, in the Carolinas, or in Kentucky and Tennessee. Yet this valorous western individualism was not crass ruffianism. The sons and daughters of the East had settled the West. Men of affairs there were not infrequently the sons of pronounced Federalists in the older states. But in changing their habitation the young men of New England, New York, and Pennsylvania who were now building up the Northwest Territory, and they from Virginia and the

Carolinas who were now citizens of Kentucky and Tennessee, had also changed their politics. To them the government of the United States seemed far away, and at best only an experiment. What had it done for the West other than to interfere with trade and increase taxes? It was not an incongruous idea to include Federalists and Indians among the public enemies of the West, and he who called his neighbor a Federalist had to answer by the code, or, if the deeply injured citizen took the trouble to sue for libel, he would undoubtedly be awarded very handsome damages by any jury.

Ten years of federal legislation had further estranged the discontented throughout the country. Whether Jefferson himself ever believed that the Federalists were laying plans for a monarchy may be doubted. He was careful not to correct the spread of the delusion, however, and labored night and day to make political capital out of it. The indictment against the Federalists was long and carefully drawn, and had been presented to a grand jury eager to find a true bill. This jury was the party described by Jefferson as favoring the legislative rather than the executive. By this was meant not merely opposition to President Adams. The new party was founded on the state idea. It was opposed to a strong national government—executive, legislative, and judicial. It disapproved of Jay's treaty. It hated Washington's policy of neutrality, and considered Citizen Genêt a deeply injured man. It drank rivers of health for France, and pronounced strange abominations against England. It was ever on the watch for "the harbinger of approaching monarchy" in every act of Congress, every proclamation by the President, every decision of John Jay and his court.

A political crisis was at hand. The alien and sedition acts were rapidly under way. Every step in their progress was published throughout the South and West. No acts of the high Federalists had attracted so many and such hostile eyes. It was the plain people who were watching, and no man knew them so well as Jefferson. He knew, probably better than Emerson, that the state at some time is a private thought, and on this axiom he builded, perhaps

better than he knew. He saw individualism at the bottom of our political institutions, and to this he addressed his genius for organization. Cunning and time-tried instruments were at his disposal. The caucus, the committees of correspondence, the convention, the mass-meeting, were of recent revolutionary invention; the town-meeting and the assemblies had been in service more than a century and a half. His plan was simple, popular, and practical. His ideas should be exploited by each of these organizations, but should receive their crowning influence in the resolutions of the state legislatures. Then, and not till then, would the issue be clear to the people, and the two great forces in American government be brought face to face—the states and the federal government. Like all founders of a political system, he first formulated the system, and then instilled its principles into the minds of a few chosen disciples. Chief of these was Madison, then Monroe and Levi Lincoln, and Gallatin and Breckenridge, and the brothers Nicholas, and Robert Smith, of Maryland, and Gideon Granger, of Connecticut. These and a few more were the privileged few admitted into close personal confidence, but his persuasive friendships ran all over the country, among men of every profession and occupation. The correspondence which he kept up with his followers places him almost at the head of the world's voluminous letter-writers.

His letter to Wise defining political parties was written amidst the excitement of the passage of the alien and sedition laws. Was a free American silently to endure such legislation? Could any lover of liberty suffer any odious high Federalist to indict a freeman for libel, force him to pay a fine of two thousand dollars and lie in jail two years, because he spoke his mind about the President or Congress? Was he tamely to submit to indictment for conspiracy and sedition because he had met with his friends, some of whom perhaps were alien-born? And must he suffer imprisonment for five years and pay a fine of five thousand dollars for exercising rights guaranteed in every state constitution and in the federal Constitution itself? What had become of the right of free speech and a free press? Surely it was

not the exclusive property of the Federalist party. Jefferson knew that the time had come for an active organization of the opposition, and he now could effect it on constitutional ground.

Communications had for months been appearing in the anti-administration newspapers which pointed the way that ideas were moving. George Nicholas, soon to deliver the great speech in Congress on the repeal of the acts, now published in the *Kentucky Gazette* his opinion on their constitutionality, and also his political creed. He gave utterance to the thought of Kentucky, for he had more influence there than the whole Federalist party. Briefer communications appeared in other papers, and resolutions attacking the acts were passed in public meetings both in Kentucky and Virginia. With few variations, these followed one original. When sent up to the legislature, they seemed the spontaneous thought of the people of the two commonwealths.

On the 7th of November, Breckenridge presented a set of resolutions to the Kentucky legislature, which passed on the 16th, after a brief debate. Jefferson claimed to be their author. A manuscript original in his hand sustains his claim. The resolutions as passed vary from this original, not in substance, but in order of arrangement. The variation has given rise to a claim of authorship for Breckenridge, which it is doubtful he ever made. Scarcely less devoted to the cause set forth in the resolutions than Breckenridge and Nicholas was a young Virginian, lately come into Kentucky from the law office of Chancellor Wythe—Henry Clay, who, in a powerful speech at Lexington, denounced the unpopular Federalist acts, and began a political career lasting more than fifty years.

In the Virginia legislature, on the 13th of December, similar resolutions were presented by John Taylor, and adopted eleven days later. They were originally written by Madison, had been handed about the state in slightly varying forms, had been adopted at nearly every courthouse, and had been sent up to the legislature. The Kentucky and the Virginia resolutions, written the one by Jefferson, the other by Madison, were not construed until

a later time as differing, or as intended to differ, in meaning. Each was intended to identify the opponents of the Federalists as the state party, and further, to define the state, and the character of the federal government. The definitions were destined to affect American politics for a hundred years.

Every state constitution at this time declared, expressly or by implication, that the state was a body politic—a social compact—formed by a voluntary association of individuals. The Virginia resolutions applied this familiar idea to the federal government; it was a compact formed by the voluntary association of the states. It was limited by the plain sense of the instrument of union—the Constitution. But of late the federal government had manifested a spirit “to consolidate the states by degrees into one sovereignty, the obvious tendency and inevitable consequence of which would be to transform the republican system of the United States into an absolute or at best a mixed monarchy.” The same idea was expressed in the Kentucky resolutions of 1798, but was carried further in those of the following year. The states that formed the Constitution, being sovereign and independent, had the unquestionable right to judge of infraction, and “a nullification by these sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy.” Thus the issue was made: State Sovereignty *vs.* National Sovereignty.

A century has passed since the Virginia and Kentucky resolutions raised this fundamental question. If the question were asked, Where did the doctrine of state sovereignty originate, and where was it put forth as the law of the land? perhaps most of the answers would declare that it originated in the former slave-holding states, and might be found at one time in their laws and constitutions. The answer is incorrect.

The colonies were independent of each other, but were an integral part of the empire. When they became states, the Declaration of Independence described them as free and independent, but not as sovereign. The commonwealths have adopted one hundred and twelve constitutions: the fifteen southern states, fifty-five, not one of which has

described the state as sovereign; the thirty northern states, fifty-seven, five of which have described the state not only as free and independent, but as sovereign. Connecticut was the first to use the word "sovereign," in the act of the general court of 1776—in substance a bill of rights—continuing the charter as the civil government of the state. The word does not occur in the Constitution of 1818. The Articles of Confederation, approved by the states in 1781, declared that each retained its sovereignty, and every power not expressly delegated to the United States—almost a quotation from the constitution of Massachusetts adopted the year before. This constitution is still in force. In its constitution of 1784, and again in 1792, New Hampshire made the same claim, and did not abandon it till 1876. In the treaty of peace of 1783 the king treated with the several states as free, sovereign, and independent. The word does not occur in the Constitution, but the idea, as the debates show, was discussed at length. Elbridge Gerry declared that the states never had been independent, and on the principles of the confederation never could be, but was immediately answered by Luther Martin that "the language of the states being sovereign and independent was once familiar and understood, though it seemed suddenly to have become strange and obscure." The rejected New Jersey plan based the government of the Union on the states as sovereign. Doubtless the convention purposely left the definition of sovereignty to be made by administration. But that a compromise was made is suggested in the sixty-second number of the *Federalist*, of which Hamilton was probably the author: "The equal vote in each state is at once a constitutional recognition of the portion of sovereignty remaining in the individual states and an instrument for preserving that residuary sovereignty." This, it will be remembered, was written in 1788. However unphilosophical the notion of "residuary sovereignty," it was destined for many years to return, not to plague the inventors, but those for whom it was invented. Five years before Jefferson wrote his definition of parties, the Supreme Court had ruled that Georgia was not a sovereign state, that the nation alone was sovereign, and that a state could be sued

like an individual. The decision was given by Justice Wilson, unquestionably the ablest constitutional lawyer in the convention that made the Constitution, and was strengthened by a similar opinion by Chief Justice Jay. In a powerful dissenting opinion, Justice Iredell, basing his reasons on the common law, declared the states to be as sovereign within their sphere as was the United States within its own. His opinion was accepted by Georgia as the constitutional one, and was welcomed by the Republicans as the foundation for their political creed. On the day following the decision, Sedgwick, of Massachusetts, in the House, moved a resolution, preliminary to an amendment to the Constitution, to protect the sovereign states from suits brought by individuals. Congress took no immediate action, but the spirit of his resolution quickly overspread the country, quickened the party which Jefferson was organizing, and culminated in the Eleventh Amendment, the adoption of which was announced to Congress by President Adams just thirty-four days before Jefferson wrote to Wise on the state of political parties.

The doctrine of state sovereignty thus got constitutional standing. The party by whose influence the amendment had been carried through, by the elections in 1800 was put in possession of the government. It reversed the majority in the Senate and gained twenty-three members in the House, giving it a majority of eighteen. On the twenty-sixth ballot the House chose Jefferson President. Thus, curiously, the author of the Kentucky resolutions, who first made the doctrine of state sovereignty a principle in the creed of a great party, was chosen to the presidency by the representatives of the people voting as states. For sixty years the party which he had organized was to follow an unprecedented career. During that time thirty Congresses assembled and thirteen "greatly distinguished citizens," as Lincoln described them in his first inaugural, administered the government. That party was to elect ten of these Presidents, and to control both the Senate and the House in twenty-three of these Congresses. In five others it was to control the Senate. In one Congress only was it to be in the minority in both branches: for two years from the

inauguration of William Henry Harrison the Whigs were to have a majority in both Houses, but—John Tyler was President.

Had Jefferson's wishes been carried out, the Virginia and Kentucky resolutions would have become an amendment to the Constitution. With his party firmly in control of the government, this was unnecessary. The doctrines of 1798 were a perennial theme for discussion—in state constitutional conventions, in Congress, and in the political literature of the country. They came gradually to be construed as the warrant for administrative measures, and by a political school as the implied interpretation of the supreme law. Economic events greatly affected this school, and ultimately divided it. The first tariff act expired in 1796, having been in force nearly seven years. It was not listed among the acts specially odious to the party which Jefferson was then organizing. But the act of 1816 combined the principles of revenue and protection, and from the April day when Monroe signed it the idea of state sovereignty underwent a change. Thirty years before, Hamilton had declared that the national government would never be supreme until it should turn all the principles and passions of men to its support. From the passage of the tariff of 1816, the national government gradually became identified with the personal fortunes of a manufacturing class. The doctrines of 1798 were from this time made to include the doctrine of free trade. The old parties divided on new lines, and the first industrial struggle between them began. The country, hitherto agricultural, now divided into manufacturing states and agricultural states: into the northern with free labor, and the southern with slave. There were tariff men in the South and Southwest, but the majority there gradually combined into a party favoring free trade, state sovereignty, and slavery extension. The first struggle between the radical wing of this party and the national government culminated in the effort of South Carolina to nullify the tariff laws in 1833, and to administer the doctrines of the Kentucky resolutions of 1799. On the 16th of March of that year, Augustus Fitch, one of Jackson's innumerable political scouts, wrote to the President

an account of what he saw in the Columbia convention when it rescinded the ordinance of nullification. The chief obstacle to rescinding was that "Mr. Clay's bill did not fully abandon the principle of protection." Across the face of this unpublished letter Jackson wrote: "The Ordinance & all laws under it repealed—so ends the wicked & disgraceful conduct of Calhoun McDuffie & their co-nullies. They will only be remembered, to be held up to scorn, by every one who loves freedom, our glorious constitution & government of laws."

But the doctrines of 1798 survived. Pierce and King were elected in 1852 on a platform which incorporated the Virginia and Kentucky resolutions. The party electing them declared that the doctrines of 1798 constituted one of the main foundations of its political creed, and that it was resolved to carry them out in their obvious meaning and import. On this issue the party elected a majority in both branches of Congress, received a majority of the popular vote, and chose more than five-sixths of the electoral college. Four years later it incorporated the same plank in its platform, continued its control of Congress, and elected Buchanan and Breckenridge; but their popular vote was only a plurality, and they received only five-ninths of the electoral vote. Two days after the inauguration the decision in the Dred Scott case, long anxiously awaited, was handed down. The chief justice declared that the United States did not possess all the powers which usually belong to the sovereignty of a nation. The states had surrendered only a portion of their sovereignty. The ordinance of 1787 violated their sovereign rights. As in the case of Georgia in 1794, so in that of Dred Scott, the state alone had final jurisdiction. The doctrines of 1798 had again triumphed.

In October following, the Lecompton convention applied the decision in the first constitution proposed for Kansas, in which the state was described as free, sovereign, and independent—the last instance of the use of the word in an American constitution. The election of Buchanan and the Dred Scott decision proved that the doctrines of 1798 were still held in high favor, and also that the sentiment of the

country was rapidly changing. The nature of the change is suggested in an appeal to the people of the United States which emanated from the leaders of a new party opposed to slavery extension. It appeared in January, 1854, and was signed, among others, by Sumner, Chase, and Giddings. It put opposition to slavery extension wholly on industrial grounds. If slavery were permitted in Kansas and Nebraska, it would restrict immigration, enhance the cost of constructing the proposed Pacific railway, and cut off the free states of the Atlantic from the free states of the Pacific. The development of the central portion of the continent would be hopelessly prevented. The economic argument was elaborated from this time, till an industrial constituency was thoroughly organized into a new political party. As the opposition in 1794 found constitutional standing-ground in the dissenting opinion of Justice Iredell, so the opposition in 1854 found a constitutional basis for their opinions in the dissenting opinion of Justice Curtis in the *Dred Scott* case.

Congress showed the effect of a changed public sentiment. In the thirty-sixth, the second of Buchanan's administration, the new Republican party gained control of the House. Two years later the new party gained control of both houses and elected Lincoln, displacing that great party which, sixty years before, had in like manner driven the Federalists from power. The new industrial doctrines which had triumphed over the doctrines of 1798 were briefly set forth in President Lincoln's first inaugural: "The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774." Few indeed of those who heard him could have told at that moment what were the articles to which the President referred. Two years older than the Declaration of Independence, they declared the industrial independence of the colonies. They were a solemn non-importation agreement to encourage "frugality, economy, and industry, and promote agriculture, arts, and the manufactures of this country." The nation rested on industry, the nation was sovereign—ideas antagonistic to the doctrines of 1798. These ideas were now to be tested by civil war.

CHAPTER XXXI

THE STATES BEFORE THE CIVIL WAR

1800-1860

The state constitutions adopted down to the outbreak of the Civil War were thirty-two in number, and fell under the general law of migration. Those which had been adopted west of New England and the middle states strongly resembled their originals in these states. The older southern states were the parents of constitutions adopted west of them. The North and the South had become distinct communities, and the constitutions in force in the two sections indicated how deeply seated were many of the differences between them. At the North the civil unit was the township; at the South, the county. State government at the North was more or less of the New York type; at the South, more or less of the type prevailing in Virginia. During the first sixty years of the century, population had moved westward to the Pacific, and placed the entire public domain under local government. There were vast unsettled areas in the territories, and nearly as great ones in the states. The unoccupied region lay chiefly west of the Mississippi. Migration and immigration had carried the distinguishing features of the New York constitution westward and those of Virginia and Kentucky southward. The northern and southern streams of population first met in California, in 1849, and there resulted a composite commonwealth, the form of whose constitution resembled that of New York, but the spirit under which it was to be administered was strongly like that of Virginia.*

The bills of rights had changed but little since 1800, though two clauses, one distinctively northern, the other

*For an account of the California constitution of 1849-1850, see my *Constitutional History of the American People, 1776-1850*, Vol. II, Chapters X-XII.

distinctively southern, characterized the times. The anti-slavery provision of the ordinance of 1787 was adopted in all the constitutions of the Northwest, but at the South, the right of property in man was affirmed with equal insistence. There the term "property," since the treaty of 1803, which gave us the Louisiana country, had come to include the distinguishing institution of the South. But if we were to depend upon the text of a state constitution for our knowledge of slavery, we would not gain much information. That knowledge must be obtained from the black code. Between the constitutions made during these sixty years and those first adopted by the states there were many marked contrasts. Most noticeable was the disappearance of religious and property qualifications for the voter. These were more or less common down to Andrew Jackson's administration, at which time the Democratic party became firmly seated in power and was instrumental in abolishing them. Nor was this the limit of reform. The period of residence required of voters was cut down, so that in most states it was not more than a year, and in many only six months. States which hesitated to abolish the property qualification usually substituted a tax in some form.

But the liberal policy of the Democrats did not include the extension of suffrage to free persons of color. Quite without exception the attitude of the North toward this class of the population became more and more hostile.* At the opening of the century they were entitled to vote by the constitutions of seven states.† But with the exception of three New England states, the right was taken from them by 1838, though New York, in 1821, allowed them to vote, if possessed of realty of the value of two hundred and fifty dollars, clear of incumbrance, and a resident of the state for three years.

The word "white" described the American elector during all these years. Government was distinctively the white

* For an account of this hostility, see my *Constitutional History of the American People, 1776-1850*, Vol. I, Chapter XII.

† New Hampshire, Vermont, Massachusetts, New Jersey, Pennsylvania, North Carolina, Tennessee.

man's. Few provisions were to be found in the constitutions disqualifying the voter. The chief of these were aimed against dueling and bribery. The Whigs never attempted to revive the discriminating electoral qualifications for which the old Federalist party had stood. Democracy would not longer tolerate such limitations. Even the property qualifications for office-holders were soon swept away, though they lingered in the South for members of the House, and for a short time in Louisiana and Mississippi for the governor. The states were about equally divided between one and two years in their provisions for the term of representatives; with few exceptions, they admitted a man to candidacy for the House when he arrived at the age of twenty-one.

The qualifications for senators were more exacting. The representative must have been a citizen of the state at least a year, and in some states two years; in the newer states he must be a citizen of the United States. For a senator a longer residence was required. He could not become a candidate, save in Michigan and Wisconsin, until he was at least twenty-five years of age, but he was elected, save in New England, for a term usually twice as long. A significant change in the powers of the two houses was the right of the senate to originate money bills, an innovation inaugurated by Tennessee.* Many devices were tried to secure an equitable representation. The states were divided into senatorial and representative districts. The membership of the house was sometimes fixed by the constitution, but no method that was tried gave entire satisfaction. In 1850, Michigan introduced the single district system, which it was hoped would solve the problem.

The distinguishing changes from the eighteenth-century constitutions were twofold as affecting legislation; first, the gradual adoption of a mass of constitutional provisions forbidding special legislation, and secondly, though less numerous, the provisions declaring what legislation was obligatory. Hostility to special legislation grew out of the bitter experience of the country with legislatures which had permitted lotteries, wildcat banks, and monopolies, and

* 1834.

which had plunged the states deeply into debt. These restrictions began in 1803, in Ohio, and continued in ever-increasing numbers throughout the period. The obligations imposed upon the legislatures were few. In the newer states at the North the most noticeable obligations were to establish and maintain schools, and to create a sinking fund wherewith to meet the state debt. One notorious obligation precipitated the great controversy of 1820; the obligation of the Missouri legislature to exclude free negroes from the state,* but a similar exclusion made in later years by the laws of nine states† provoked no public excitement, for opinion North and South was made up against them. All the states North and South excluded them from the militia.

The distinctive change in the attitude of the people toward their state governments was shown in the gradual distrust of the wisdom and probity of public officials. Provisions against special legislation were the immediate result of this distrust. Even more noticeable was the change in the powers and position of the governors as compared with those established by the eighteenth-century constitutions. The old property qualifications were swept away, but their spirit was retained in the term of residence exacted of gubernatorial candidates. For them the requirement of United States citizenship for from ten to twenty years, and of state citizenship from three to seven, were not uncommon. In the southern states there was a tendency to native Americanism,‡ especially in their constitutions. But the triumph of democracy was nowhere more evident than in the choice of governor. Instead of the indirect choice by the house and senate, the method now was by popular vote, for one year in New England, but in other parts of the country for from two to four years. The people had learned the value of a good governor. They increased his powers and also his salary, but in many states

* See pp. 347-8, ante.

† Illinois, Maryland, Indiana, South Carolina, Kentucky, Tennessee, Mississippi, Arkansas, and Missouri. For the dates of these acts, see my *Constitutional History of the American People, 1776-1850*, Vol. I, 362.

‡ See my *Constitutional History of the American People, 1776-1850*, Vol. I, Chapters XIII-XV.

made him ineligible for a second term until a period of time, usually three or four years, had intervened.

One great cause of the increase of the governor's authority was the founding of many charitable institutions, such as insane asylums and schools for the deaf, dumb, and blind, and the criminal classes. The public soon discovered that these institutions were a sore temptation to legislators, and they removed them from their care, placing them directly in the hands of the governor, or of commissioners. But not as yet did the governors use their veto power as boldly as have their successors in later years. It would seem that the executives were not yet quite at home in the judicial dominion which the constitutions were creating for them. The period was distinctively one of a larger popular confidence in the executive and a corresponding decrease of faith in legislatures.

Of the courts it is difficult to speak accurately and not exhaustively. In each of the thirty-two constitutional conventions of the period much was said of judicial reform. The Democratic party favored an elective judiciary, and as early as Jackson's time began a campaign to introduce it. They were more successful in the West than in the East. The older states were conservative in their judicial reforms, while the western were somewhat radical. The supporters of the elective system were found in every convention, and their argument was the common one of the superior ability of all the people to choose a suitable judge as compared with that of the governor,* an argument often lost upon a body of delegates, the majority of whom were attorneys. The lawyers showed little disposition to take up the elective judicial system. But all through the period, there was a marked change in the organization of the lower courts. Their number multiplied, their jurisdiction was somewhat carefully defined, and a system of resident judges was gradually introduced. In the East, appointment to the bench meant usually a life position; in the West, it rarely signified a service of more than one term. The people complained of over-legislation, and the courts groaned

* For a typical discussion, Kentucky, 1840, see my *Constitutional History of the American People, 1776-1850*, Vol. II, Chapter II.

under the increasing mass of litigation. The eastern judges had access to fairly complete law libraries, but too frequently a western judge was obliged to depend upon his instincts and the traditions of the common law. Gradually, after 1835, the minor judicial positions, such as justice of the peace and magistrates, became elective, especially in the newer states. Thus the change which was ultimately to distinguish the American state judiciary was inaugurated at the bottom.

Looking through the laws and constitutions of the period, it soon becomes evident that no subject interested the public more deeply than corporations. Hostility to them is apparent on every side. By a corporation was usually understood a bank or an institution which used bills of credit and made exchanges. In 1816, Indiana inaugurated what it considered a reform, the monopoly of the banking business in the hands of the state. There should be a great central bank with a branch for every three counties. Alabama took up the scheme three years later, but increased the capital from thirty thousand to one hundred thousand dollars in bullion; that is, it was supposed to be in bullion. In the following year Missouri forbade its legislature to incorporate more than one banking company, limited to five branches, but the capital stock might be five millions. Biddle's bank in Philadelphia, with its enormous capital of thirty-five millions and the equally enormous profits which the public imagined it had made, was the ideal before the states.

The wild speculation in western lands, which reached its climax in 1837, went hand in hand with equally wild banking schemes. Legislatures lost their wits in organizing land companies and banking corporations, and the people scarcely learned wisdom by the terrible lessons of the panic of 1837; yet what they learned they speedily incorporated in the constitutions, which, after 1840, attempted to prevent such a calamity again.* The climax of this effort to be honest was reached in New York in 1846, when the convention introduced a definition of a corporation into the

*The effect of this lesson is shown in the enabling act for Oregon, August 14, 1848, and in the constitution of the state, February 14, 1859.

new constitution, and inaugurated a sound banking policy. The clause was speedily copied in the West. Samuel J. Tilden, who was a member of this celebrated New York convention, related, in after years, that when the fiscal provision was proposed, it did not attract much attention. Neither was it seriously debated, nor any reason given for its adoption, but it was found at last that it had been incorporated in the constitution, though its authorship could not be traced, and, he slyly observed, it was later adopted by seven western states for the same reason. But the New York convention had inaugurated the reform of making stockholders in any banking corporation individually responsible, to the extent of their shares, for its debts and liabilities. The western states, especially Iowa, improved on the New York provision and surrounded the depositors with more ample security.

After 1848, the value of a sinking fund was emphasized, and the states began to require their legislatures to set apart annually a fixed portion of the public income which should be invested in state or federal bonds as a means of paying the public debt. It was in 1850 that Michigan* perfected another reform, begun by Indiana in 1819, the co-ordination of the educational opportunities of the state, and practically established a great system of education, beginning in the primary school and ending at the university. The remarkable characteristic of the system was the source of its support—public taxation.

The state constitutions made slight reference to the general government. Maine, in 1820, was the first state to acknowledge in its constitution the paramount authority of the national Constitution, but in this respect it was not a type of the constitutions of the country. On the other hand, the constitutions were almost equally free from any claim to state sovereignty. The term "sovereignty" was not found in any southern constitution, and was only a survival in the constitutions of Massachusetts and New Hampshire. The effort to insert it in the constitution of

* For an account of the Michigan constitution of 1850, see my *Constitutional History of the American People, 1776-1850*, Vol. II, Chapters VII-IX.

Kansas, in 1857, failed. All the constitutions were conspicuously silent as to local and municipal government. Michigan, in 1850, introduced an article on county and township government, almost the first of its kind, but municipal interests were scarcely hinted at. The reason is obvious. The cities of the country were small, few were chartered, and all that were chartered derived their special privileges from acts of the legislature. The franchises which distinguish the modern city, and which have been utilized with such profit by private corporations, were not yet dreamed of.

Like the constitutions of the eighteenth century, those of the first sixty years of the nineteenth were made by a few men, who usually were of great eminence. Among the members of the conventions which assembled from 1800 to 1860 were Chief Justice Marshall, John Adams, Madison, Monroe, Aaron Burr, Daniel B. Tompkins, William R. King, Martin Van Buren, Daniel Webster, Joseph Story, Alexander H. Stephens, Charles O'Connor, Horace Greeley, John M. Clayton, Thomas A. Hendricks, and Schuyler Colfax. In the aggregate, the men who framed the state constitutions from 1800 to 1860 numbered about eighteen hundred, and like their predecessors in the eighteenth century, represented the various interests in the country. Nearly all were native Americans. Thus these constitutions were distinctively American. No person of the African race was a member of any of them, and in none, excepting those which assembled after 1840, were the privileges of free persons of color discussed in any way.

Surveying the constitutions which were in force in 1860, it is easy to detect the line of demarkation which divided them, coinciding as it did with the line of the Missouri Compromise. North of that line a distinguishing provision was the declaration frequently to be found declaring the right of education; south of that line the claim of the right of property in man was the principal characteristic. The principles embodied in these constitutions were set forth by the courts from time to time.

CHAPTER XXXII

MEN AND MANNERS BEFORE THE WAR

1830-1860

The country over which Abraham Lincoln was chosen chief magistrate had an area of more than three millions of square miles (3,025,000), and a population of more than thirty-one millions (31,443,321), living in thirty-three states and two territories. During the new President's lifetime sixteen states had been added to the Union. The repeal of the Missouri Compromise, 1854, and the Dred Scott decision, in 1857, had erased the old political line of 36° 30' which so long divided free soil from slave, but there was as yet no slave state north of that line, and the fate of slavery in Kansas and Nebraska was uncertain.

One free state, California, ran far below the line. The country was divided, therefore, practically as before, into free soil and slave soil; and the people, into slave-holding and non-slave-holding. If, by law, slavery might exist wherever the people wished to have it, the law was bound to depend upon the will of the people. Over twenty millions of these (20,309,960) inhabited free soil; over eleven millions (11,133,361) lived on slave soil. Thus it was said that there were two men in the North to every one in the South.

The change in the rank of the states, since 1830, in wealth, population, and representation, was shown by the census:

RANK IN 1830:

New York,
Pennsylvania,
Virginia,
Ohio,
North Carolina,
Kentucky,
Tennessee,
Massachusetts,
South Carolina,
Georgia.

RANK IN 1860:

New York,
Pennsylvania,
Ohio,
Illinois,
Virginia,
Indiana,
Massachusetts,
Missouri,
Kentucky,
Tennessee.

The fifteen slave-holding states, in 1860, had only two hundred and ninety-six thousand more people than the four free states, New York, Pennsylvania, Ohio, and Illinois. Since 1830, the great increase in population had scarcely affected the states south of Mason and Dixon's line; these, relatively, had fallen behind in population, and chiefly for two reasons: a constant migration from these south Atlantic states into the West and Southwest, and the exclusion of foreign immigrants from these states by the presence of slavery and "native Americanism."

The old states of the North were also constantly drained by migration west, but they were also constantly supplied by an increasing stream of immigrants from Europe. From 1850 to 1860, Wisconsin gained over 470,000 people; Michigan over 650,000, and many of these came from New England, New York, Pennsylvania, and Ohio. During the same time Arkansas gained 226,000, Texas 392,000, and most of these came from the states directly east. The period from 1830 to 1860 was one of great migration. It may safely be estimated that more than ten million people went West during that time.

During this period nearly five million European immigrants arrived in our country. In order of numbers, they were: Irishmen, Germans, Englishmen, Frenchmen, and Canadians. But many countries were represented. The Irish settled in the eastern cities and towns, were highly industrious, and willingly built the canals and railroads so extensively put through during these thirty years. The Germans and the English took up land, especially in New York, Pennsylvania, Ohio, Michigan, and Wisconsin. The French found employment in the cities. The Swiss and the Scandinavians became farmers in Wisconsin, Minnesota, and Michigan. The Canadians became lumbermen, manufacturers, and farmers, and chiefly along the northern border.

There was no pauper immigration. Cheap lands in America, wars in Europe, cheap and fairly comfortable transportation, and the love of liberty and personal betterment brought these millions to our shores. Only a few went into the slave-holding states. Immigrants had to work for a living. Labor was wanted in the rapidly developing North

and West. No slave-holding people have ever made free laborers feel welcome, or even encouraged them to come. Free labor and slave labor cannot be carried on side by side.

It will be remembered that we became a manufacturing people about 1830, and from that time dates the rapid growth of our cities. In 1830, one person in sixteen of our population lived in a city of at least eight thousand; in 1860, one in six lived there. Our city population had increased during this time from eight hundred and sixty-five thousand to over five million. No better illustration of this wonderful change can be given than Chicago. On the 4th of August, 1830, Chicago was surveyed, and on the 27th of September the sale of lots began. A letter written by an engineer at the time from Chicago says: "The commissioners of land received upwards of seven thousand dollars in cash here for what lots were sold; before said sale there was not one freeholder within one hundred miles of this place."* In 1860, Chicago had a population of one hundred and ten thousand, and was the ninth city in size in the Union.

San Francisco had only one house in 1835. Madison, Wisconsin, and Davenport, Iowa, were founded in 1836; Sacramento, in 1839; Scranton, Pennsylvania, in 1840; Dubuque, though founded by the French in 1788, was incorporated in 1842; Atlanta was laid out in 1845; Indianapolis was incorporated in 1847; Brooklyn, New York, and several contiguous townships were consolidated in 1855; also Philadelphia and several populous suburbs. The names of new towns that have become flourishing cities founded between 1830 and 1860 would cover half a dozen pages of this history. Chicago outgrew all others. This wonderful increase in the number, wealth, population, and importance of our cities was due to five great causes: Migration and immigration, prosperity in farming, cheap lands, prosperity in manufactures, improvements and inventions, extension of railroads and canals, and the comforts of city life, its multiplied opportunities of amusement, occupation, and the care of the unfortunate.

* MS. letter, James Herrington to Thomas Forster, Chicago, October 13, 1830.

During these thirty years, all the large cities were greatly improved. They lighted their principal streets with sperm-oil lamps, gradually introducing gas, after 1845; they paved their principal streets with cobblestones. Wooden pavements came in about 1856. They organized a police force, and a fire department, the old hand-bucket giving place to fire-engines drawn about and worked by hand. Theaters began to be profitable to their owners, and many church buildings were erected, some of which cost as much as forty-five thousand dollars. The large cities had one or more public hospitals.

Cities in 1860 had what their inhabitants called "rapid transit." Omnibuses were first seen in New York in the spring of 1831, and the city had its first horse-car line the year following. Chicago and Baltimore introduced horse-cars in 1859. The 'bus, as our breathless Americans soon called the new conveyance, was the typical local public conveyance of the period.

No city improvement of the time was viewed with greater pride than "the new water-works." Nashville was thus supplied in 1834; New Orleans, from the Mississippi, in 1836; Chicago, in 1841; the Croton aqueduct in New York was completed in 1842; Boston, in 1848. But private wells were in common use in our large cities in 1860.

Chloroform was discovered in 1831, but its use as an anæsthetic was not clearly recognized until the next year. Ether was discovered in 1846, apparently about the same time by Dr. Lang, of Georgia, and Dr. Wells, of Connecticut. It is said to have been known to the earliest chemists, but not as an anæsthetic. Its use for dulling pain was discovered contemporaneously by two American dental physicians, Dr. Jackson and Dr. Morton. The mowing and reaping machine was invented and patented in 1831 by Cyrus McCormick. Samuel Colt invented the revolver in 1835; Charles Goodyear succeeded in making vulcanized rubber in 1839, and rubber shoes, boots, combs, hats, and knife-handles were among the first "novelties" put on the market. Dr. John W. Draper, in 1840, at the New York University, succeeded in making the first daguerreotype portraits. Until then it was supposed that only still life

could be taken. Many of the pictures we now have of the eminent people of this period are made from daguerreo-types taken by Draper's process.

The electric telegraph was first successfully operated in 1844. Samuel F. B. Morse had for years been working on the invention. The sewing-machine was invented by Elias Howe, Jr., in 1846, and a patent was granted to him in that year. In 1847, R. Hoe & Co., of New York, put in operation the first cylinder printing-press. These are only a few of the inventions and discoveries made during these years. Down to 1861, the government of the United States had granted nearly forty-four thousand patents, and nearly all of them since 1840. If we were asked to name the five great inventions and discoveries of this period, doubtless we would agree that they are the mowing and reaping machine, the sewing-machine, the telegraph, india-rubber, and anæsthetics.

At first the mower and reaper was heavy, clumsy, and very expensive, and was made by hand throughout. The inventor failed to get any manufacturer to invest a dollar in it, and it was not much in use till 1850. Even then the machines were complicated, were heavy, and cost about four hundred dollars. But in 1860 they had improved; were simpler, lighter, and half as costly. The great wheat farms of the West were started about this time. The harvester made them possible. With it a child could do the work of many men. The grain-drill was invented in 1841, but, like the reaper, did not come into general use till 1850.

Like the harvester, the early sewing-machines were heavy, complicated, expensive, and hard to run. No manufacturer saw anything in Howe's invention, and he nearly starved before he got it on the market, but his idea was taken up by others and many machines made, some of which infringed his patent. The sewing-machine had many immediate effects. It made clothing cheaper; it revolutionized the shoe business, and made shoe-factories possible; it gave employment to thousands, and it set women free, and enabled them to read, to travel, and to interest themselves in public questions.

Though Morse got his patent in 1837, it was nearly

twenty years before the telegraph was in common use. This was because the country, until 1856, was not closely connected by business interests and railroads. The telegraph grew up with transportation facilities. Down to 1856, the telegraph business was conducted by many small companies, but in that year most of these were consolidated into the Western Union. About this time (1854), Cyrus W. Field conceived the notion of an Atlantic cable. A transatlantic company was formed, and in 1858, after two discouraging failures (1857-58), the cable was laid for one thousand seven hundred miles, from Newfoundland to Ireland. It worked for three weeks, then it parted, and nothing was done with it for eight years.

With few exceptions, all the manufactures carried on in the country in 1830 were extended, and the processes improved during the next thirty years. New ones were begun, and among these many were the first of their kind. Steam began to displace water power. In 1834 began the manufacture of rifled guns, at Boston; of wooden screws, at Providence; and of table cutlery, at Greenfield, Massachusetts. Dentistry, which had its first practitioner in this country in 1788, had developed so far that in 1835 a factory was opened in Philadelphia to furnish dental supplies. In the same year, pins were first made by machinery, by the Howe Company, of New York. In 1836, the first manufacture of wrought-iron tubing began at Philadelphia. The first manufacture of machinists' tools in this country began at Nashua, New Hampshire. The manufacture of brussels carpet by machinery was accomplished in 1845, and the price fell nearly one-half in a few years. In 1848, the manufacture of gutta-percha began. It made the Atlantic cable possible. Four years later, the manufacture of galvanized iron was carried on at a profit in Philadelphia. The discovery of oil, at Titusville, Pennsylvania, by Col. E. L. Drake, in August, 1859, by boring a well seventy-one feet deep, was the beginning of a new industry. It created almost as great excitement as the discovery of gold in California, ten years earlier.

Passenger traffic gradually left the canals, and they were used for freight. Both stationary and locomotive engines

almost entirely changed in construction. Trains were moved at thirty-five miles an hour; but by 1860, scarcely a vestige of the railroad equipment used in 1833 was to be seen. Railroads did not pay, and largely because of the expense in keeping up the equipment. The chief sources of railroad wealth were the vast land-grants which began to be made by the government to railroad companies. Wood was used for fuel, and the speed of trains rarely averaged twenty miles an hour.

In 1832, a person could go by rail from Philadelphia to Harrisburg; from Philadelphia to Trenton, in 1834. In 1837, from Richmond to Fredericksburg. From Providence to Stonington, from Detroit to Ypsilanti, from Nashua to Lowell, in 1838; from Worcester to Springfield, from Syracuse to Utica and Auburn, in 1839; from Wilmington to Roanoke, North Carolina, in 1840; from Boston to Albany, in 1841; from Albany to Buffalo, in 1842; from Augusta to Atlanta, Georgia, Savannah and Macon, and from Boston to Berwick, Maine, in 1843; from Galena to Elgin, Illinois, in 1850. In 1851, the Hudson River railroad and the New York and Erie opened, the latter at Dunkirk, with imposing ceremonies. President Fillmore, Webster, and other members of the Cabinet were present. The Michigan Southern and the Michigan Central were completed, and the Chicago and Rock Island roads opened from Chicago to Joliet, in 1852. In 1853, the New York Central Railroad Company was formed by consolidating various roads from New York to Buffalo; the Chicago and North-Western (Galena and Chicago) was completed to Freeport; the Baltimore and Ohio was opened. In 1854, the Great Western railroad, of Canada from Detroit to Niagara Falls, the Chicago and Rock Island to the Mississippi, and the Illinois Central were quite completed. This year also witnessed the construction of the first bridge across the Niagara River.

In 1856, the Chicago, Burlington and Quincy was finished as far as the Mississippi; the Chicago and Fort Wayne and the Penobscot and Kennebec roads were completed. These were followed in 1857 by the Chicago and St. Louis, the Memphis and Charleston, the Baltimore

and St. Louis, and the Virginia Central. Two years later, by consolidation, the Pittsburg, Fort Wayne and Chicago was formed, connecting Pittsburg and Chicago. Thus by 1860 a passenger could go to Chicago by rail from Boston (by two routes from Buffalo); from New York, by the New York Central or Erie roads; from Philadelphia, from Pittsburg, and from Baltimore. Nearly all the principal towns in the East were on a railroad, though not always on a "trunk line." Through tickets and through checks were not yet known. But people thought little of changing cars and rechecking baggage frequently. After 1855, sleeping-cars were attached to one of the night trains, but they were considered a great luxury by most people. Railroad bridges were of wood; the roadbeds were mostly new; accidents were more frequent than to-day. It would now be quite difficult to find a vestige of the rolling-stock or equipment in use in 1860.

It is to be noticed that the "trunk lines" were formed by the union of many short, separate roads.

In 1839, the express business began. W. F. Harnden, of Boston, announced that he would carry packages and valuables to and from Boston and New York, by the Stonington route. He entered into agreement with various railroad and steamboat lines to carry the property. Six years later, the firm of Wells & Company established an express business west of Buffalo. Various rival companies were organized. Alvan Adams went into the business in 1840. By 1860, there was an express service between all the principal towns of the country. The business was not yet consolidated.

In 1819, the first steamship that crossed the Atlantic, the Savannah, built in New York, sailed from the city of Savannah, and arrived at Liverpool on the 26th of May, after a voyage of twenty-five days. The fuel gave out in eleven days, and the remainder of the voyage was made under sail. It was decided that no boat could carry fuel enough to last the entire voyage. Eighteen years passed: the Great Western and the Sirius, side-wheel steamers, propelled by steam only, crossed from Liverpool to New York. They demonstrated that the ocean could be crossed

by steamships in less than half the time usually required by sailing vessels. With the aid of the British government, the Cunard Line was begun in 1839; with the aid of Congress, the Collins Line started in 1850. The average time for the voyage was more than twice the length it is now. By the time the Atlantic "liners" were running between Liverpool and New York, more than nine thousand miles of railroad were in operation in the United States. Immigrants usually came on sailing vessels, on account of their cheapness. Arriving in Boston, New York, or Philadelphia, they easily found their destination by rail.

Nearly all the states established free public-school systems between 1840 and 1850. This meant a great change in the efficiency of the schools. But the graded system of instruction was carried out only in the large cities. In a country school there were sometimes more classes than scholars. The course rarely included more than reading, writing, spelling, "practical" arithmetic, geography, and English grammar. Our best high schools now offer a more extensive course than most of the colleges offered down to 1860. But many of the boys who went to college then became able, if not distinguished, scholars. Some of them were the great teachers, writers, lawyers, judges, and journalists of the close of the century. The new states made much of school lands. Some of the money distributed to the states in 1836 became a state school fund, as in New York and Kentucky.

During these thirty years, a large number of newspapers and a few magazines flourished for a season, and some were established which were destined to long life and great influence. Among these were *The Louisville Journal*, Kentucky, 1831; *The New York Sun*, 1833, the first penny paper in the country that paid; *The New York Journal of Commerce*, in the same year, the first paper to get out an early edition of Washington news; *The New York Herald*, in 1835, the first paper to report the money market; *The New York Express* and *The Philadelphia Public Ledger*, in 1836; *The Baltimore Sun* and *The New Orleans Picayune*, in 1837; *The New York Tribune*, founded by Horace Greeley, in 1841; *The Chicago Evening Journal*, 1844; *The*

Chicago Tribune, 1847; *The New York Times*, 1851. Thus the period was the birthday of the modern newspaper.

The newspaper as it is to-day dates from the time when railroads made possible a paying subscription list, and easy transportation of goods led city merchants to advertise freely. Most of the great papers started as strict party organs. *The New York Tribune* grew out of *The Log Cabin*, a Whig paper that Greeley published during the campaign of "Tippecanoe and Tyler too." *Harper's Weekly* began in 1857. Of the magazines now published, *Harper's* was established in 1850; *The Atlantic*, in 1857, and *The North American Review* in 1815. A glance at the early and at the last volumes of *Harper's* will show how much the arts of engraving and illustrating have improved in half a century.

These thirty years produced many writers and books. George Bancroft published eight volumes of his History of the United States; William Cullen Bryant, several volumes of his poems; James Fenimore Cooper, eighteen of his novels, among them *The Pathfinder*, *The Deerslayer*, *The Redskins*, and his valuable History of the United States Navy (1839); George William Curtis, Nile Notes of a Howadji, 1851; *The Potiphar Papers*, 1853, and *Prue and I*, in 1856; John Greenleaf Whittier, his first book, *Legends of New England*, in 1831, to which he added fifteen others by 1860. His *Voices of Freedom*, 1849, was excluded from the southern mails.

Bayard Taylor wrote twelve volumes of travels and poems. His *Views Afoot* was the first popular American book describing a short visit to Europe. Harriet Beecher Stowe's *Uncle Tom's Cabin* appeared in 1852; *Dred*, in 1856, and *The Minister's Wooing* in 1859. William Gilmore Simms sent forth forty-one volumes, of which four were poems, four biographies, (John Smith, Francis Marion, Chevalier Bayard, General Nathaniel Greene), and twenty-nine were novels. Prescott wrote all of his works during these years: *Ferdinand and Isabella*, 1837; *Conquest of Mexico*, 1843; *Conquest of Peru*, 1847, and the *Reign of Philip II.*, 1858.

Francis Parkman's *California and Oregon Trail* was

published in 1849, and the first of his histories of the French in America, the History of the Conspiracy of Pontiac, in 1851.

John Lathrop Motley wrote his Rise of the Dutch Republic in 1856; Donald G. Mitchell, his Reveries of a Bachelor, 1850, and Dream Life, 1851. From James Russell Lowell came the first of The Biglow Papers, A Fable for Critics, and The Vision of Sir Launfal, all in 1848. Longfellow published sixteen volumes, among them Voices of the Night, 1839; Evangeline, 1847; Hiawatha, 1855, and The Courtship of Miles Standish, 1858; and Holmes eight volumes, among them poems, 1836, 1846, 1849, 1850; The Autocrat of the Breakfast Table, 1858, and the Professor at the Breakfast Table, 1860. J. G. Holland wrote The Bay Path, 1857, and Bitter-Sweet, 1858. Richard Hildreth completed his history of the United States (from 1492 to 1820), in six volumes, in 1852.

Nathaniel Hawthorne gave to the world a series of unequaled tales: The Scarlet Letter, 1850; The House of the Seven Gables, 1851; The Blithedale Romance, 1852, and his Twice-Told Tales, 1837, 1847, 1851; The Marble Faun, 1860. From Ralph Waldo Emerson came twelve volumes, among them, Nature, 1836; Essays, 1841, 1844, and Poems, 1847.

There were many other books, many famous in their day, but these are great enough to make an age in literature. It might be called the age of Hawthorne, as he died in 1864. Looking over this mere catalogue of books and writers, one notices that the famous American books were written between 1830 and 1860.

Nearly all the distinguished American men and women of the last twenty years of the nineteenth century were born between 1830 and 1860. At the time of the great compromise of 1850, when Whigs and Democrats agreed that the slavery question was at last "forever settled," James G. Blaine and Chester A. Arthur were twenty years old; James A. Garfield, nineteen; Benjamin Harrison, seventeen; Grover Cleveland, thirteen; Garret A. Hobart, six, and William McKinley, seven. Thomas Bailey Aldrich was fourteen; "Mark Twain" and Phillips Brooks, fifteen;

George W. Cable, six; Edward Eggleston and W. D. Howells, thirteen; John Fiske and Sidney Lanier, eight; R. W. Gilder, six; Bret Harte, eleven; Henry James, Jr., seven; Frank R. Stockton, sixteen; Edmund Clarence Stedman, seventeen; Moses Coit Tyler, fifteen. And there were some famous girls also; among them, Louisa M. Alcott, a New England girl of eighteen; Frances H. Burnett, one year old; Mary Mapes Dodge, twelve; Mary Hallock Foote, three; Sarah Orne Jewett and Emma Lazarus, one; Celia L. Thaxter, fourteen, and Constance Fenimore Woolson, two years of age. The list easily lengthens by adding the names of eminent artists, inventors, travelers, clergymen, physicians, merchants, manufacturers, and men of business who were boys during these years.

The three decades following 1830 were years of ceaseless struggle with the slave power, and into the maelstrom which the struggle generated the influence of every man in America was sooner or later drawn. The question involved found no permanent answer, and therefore the age was an age of compromise. Excepting Jackson, no President elected during these years arose above mediocrity, and Americans now, in order to recall the list, must tax their memories or consult a book. Compromise breeds mediocrity.

Tested by the standards of the time, America did not lack great men. The familiar triumvirate, Webster, Clay, and Calhoun, at once come to mind, and behind them, as in a popular picture of the day, are seen Benton and Cass, Marcy and Wright, Clayton and Cameron, and entering from the distance, Douglas and Seward, Davis, Hamlin, and Wilson.

The men among them of whom the world yet often speaks and writes, Webster, Calhoun, and Clay, faced the past and labored, in vain, to prolong that past and make it forever present. The hopelessness of their task may in the end prove how much of their fame will remain; for time carries a full account and at last casts up the result.

These men, who were more like personages in these troublous times, lacked the freedom which characterizes the large life of the Fathers of the Republic. Webster, Clay,

and Calhoun belong to a period rather than to all time, but they completely fill that period.

When Abraham Lincoln, in 1860, sought solitude that he might write his inaugural address, he asked his friend Herndon for a copy of the Constitution, for Webster's Reply to Hayne (January 26, 1830), for Jackson's Proclamation against Nullification (December 10, 1832), and for Clay's Speech on the Compromise of 1850 (July 22). Doubtless these last three efforts outrank all others of the kind, which distinguish the times in which they were delivered, just as their authors tower above their contemporaries.

Of less brilliant parts, but of sounder judgment, on many questions, and especially on slavery and the extension of the republic westward, was their contemporary, Thomas Hart Benton, who, in spite of a turgid style and a somewhat bombastic manner, succeeded in identifying his name with things which remain. Jefferson and Benton were our statesmen who first realized the necessity of expansion and the limitation of slavery. In later years, Benton has been rediscovered, like James Wilson, and the large range of his intellection is beginning to be understood. He suffered from his attorneyship to Jackson, though he won his great political case, the expunging resolution. If Martin Van Buren's advocacy of the independent treasury system can save his name from oblivion, what greater fame must follow Benton, who, among our statesmen, was the first to discover the importance of Oregon and California to us, and whose policy respecting slavery anticipated Lincoln's.

Benton's name is as imperishably associated with expansion and the Far West as is Clay's with the history of the protective system, or Webster's with the exposition of the Constitution. The price which Clay and Webster paid as standing candidates for the presidency weakened them as statesmen and detracted from their lasting fame.

Until 1845, adhesive postage-stamps were quite unknown in America. They were invented in England in 1841, and had been in use there about two years. The Free-Soil party, in 1848, demanded "free postage for the people." In 1845, Congress fixed the postage at five cents on single letters for not over three hundred miles, and ten cents for

a greater distance. In 1847, the law required that adhesive stamps, sold by the government, be affixed to mail matter before it would be sent through the mails. In 1851, the rate was fixed at three cents, if the letter was prepaid; five cents, if not, for any distance less than three thousand miles; for a greater distance, the rate was double.

The Book of Mormon appeared in 1830. Joseph Smith, of Palmyra, New York, claimed that he had received it from heaven, three years before, as a new Bible for all mankind. He began preaching Mormon doctrines, gathered followers who migrated to Kirkland, Ohio, and later to Missouri, whence they were driven out by their neighbors, and then settled in Illinois, building the city of Nauvoo. Here they built a temple and adopted polygamy. But their Illinois neighbors disapproved of them, and under the guidance of Brigham Young they started across the plains for some region so far removed from Gentiles that these would never again disturb them. They delayed at Council Bluffs, Iowa, for a season, but, intent on isolation, they started for Mexico in 1848, and settled at Salt Lake. They had scarcely unhitched their horses before the foreign soil they had chosen was a part of the United States, by treaty with Mexico. They changed the desert about them into a garden, and began Utah.

In 1850, the people of Kentucky adopted a new state constitution. During the discussions in the convention, at Frankfort, which framed it, the relative resources of the free states and the slave states were shown, based on the census of 1840. Virginia had eleven million dollars employed in manufactures; New England, eighty-six million dollars. The banking capital of Virginia was three million five hundred thousand dollars; of New England, sixty-two million dollars. The agricultural products of Virginia were about two-thirds the value of those of New England. The cotton, the sugar, the rice, the tobacco exported from the South to foreign countries in one year amounted to seventy-five million dollars; the agricultural products of the state of New York were yearly worth over one hundred and eight million dollars. The South manufactured articles, yearly, of the value of forty-two million dollars; the free states

manufactured to the value of over one hundred and ninety-seven million dollars. The annual income of New York state alone exceeded by more than nine million dollars the united earnings of South Carolina, Georgia, and Florida. Essex County, Massachusetts, with a population of less than ninety-five thousand, produced as much as the state of South Carolina with a population five times as great. Ohio had in her primary schools seventeen thousand more pupils than had all the primary schools of the South. Massachusetts had more than four times as many students in her high schools as were to be found in all the high schools of the slave states. In the free states, one person in one hundred and fifty-six could not read or write; in the slave states, one-tenth of the free white population of age was illiterate. The aggregate earnings of the slave states in one year were \$403,429,718; of the free states, \$658,705,108.

Long before the election of Lincoln, North and South were socially, industrially, and politically apart. The lines of migration and of business ran east and west, not north and south. Northern people did not go south, nor southern people north for permanent homes. But people north and south went directly west for homes.

Final proof of threatening sectionalism in the country was furnished by the election in 1860. Lincoln and Hamlin were both northern men, although Lincoln was a native of Kentucky. They received no electoral votes from slave soil, and but few popular votes. Douglas and Johnson fared little better; they carried New Jersey and one slave state, Missouri. Breckenridge and Lane carried every slave state except Missouri, Virginia, Kentucky, and Tennessee, but not one free state. Eighteen free states supported Lincoln; one supported Douglas. Eleven slave states supported Breckenridge, and one Douglas. Three slave states supported Bell and Everett. So all the slave states voted against Lincoln, and all the free states, save one, voted for him.

When the election of Lincoln was known, the legislature of South Carolina was in session, and on the 13th of November, just a week after the election, it called a state convention at Columbia, for the 17th of December. Dele-

gates were chosen; the convention met on the 20th, passed an ordinance which declared "that the union now subsisting between South Carolina and other states, under the name of 'The United States of America,' is hereby dissolved."

The convention issued a declaration which concluded with the announcement, "that the state of South Carolina has resumed her position among the nations of the world." South Carolina was followed by Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas, which before the close of January, 1861, passed ordinances of secession. The Senators and Representatives of these states in Congress (with one or two individual exceptions) withdrew.

At Montgomery, Alabama, on the 4th of February, 1861, a convention of delegates from the seceding states assembled, adopted a temporary constitution, organized a government for one year, with Jefferson Davis, of Mississippi, as President, and Alexander H. Stephens, of Georgia, as Vice-President. The title of the new organization was "The Confederate States of America." All United States property in the seven states that could be seized was seized.

In Charleston Bay were three forts, Sumter, Moultrie, and Castle Pinckney, in charge of Major Robert Anderson, of the United States army. He had eighty-three officers and men under him. He retired to Fort Sumter, December 26, 1860. While the seven states had been seceding and seizing national property, President Buchanan had done nothing. He said that he had no power under the Constitution to wage war against a state. Meanwhile, Major Anderson was shut up in Fort Sumter. The South Carolina troops occupied Castle Pinckney and other commanding points, and all the batteries along the shore. Should supplies be sent to Fort Sumter?

Congress and the people of the North said "Yes." President Buchanan hesitated. At last public opinion forced him to act. The *Star of the West*, with food and reinforcements, was dispatched to Anderson's relief. On the 9th of January, the steamer entered Charleston harbor. She was fired on from the insurgent batteries and forced to return to New York. Buchanan attempted no further relief. What would Lincoln do?

CHAPTER XXXIII

THE CIVIL WAR

1861-1865

As it became more certain that civil war might break out, efforts were made to compromise all differences and to prevent war. These efforts were numerous, and emanated from private persons, from state legislatures, and from members of Congress.

A peace convention assembled in Washington in February, 1861, at the suggestion of Virginia; ex-President John Tyler, of that state, was chosen its presiding officer.* Twenty-one states were represented. John J. Crittenden, a Senator from Kentucky, proposed one of the many "resolutions of Congress" prepared at the time to compromise all difficulties.

A thirteenth amendment to the Constitution was proposed by Congress as a settlement of all difficulties. The amendment, which was offered by Stephen A. Douglas early in 1861, was, in substance, that the federal government should never interfere with slavery in the states. President Lincoln said, in his inaugural, that he believed this was already "implied constitutional law" and that he had "no objection to its being made express and inviolable." It was acted on by three states. Its ratification by the Illinois convention of 1863 was repudiated later by the people of that state.

The Crittenden resolutions (1860) proposed that slavery be abolished north of 36° 30', be protected south of it, and

* Among its members were William P. Fessenden, of Maine; George S. Boutwell, of Massachusetts; David Dudley Field, of New York; Frederick T. Frelinghuysen, of New Jersey; David Wilmot, of Pennsylvania; Reverdy Johnson, of Maryland; Thomas Ruffin, of North Carolina; Robert L. Carruthers, of Tennessee; James Guthrie, of Kentucky; Salmon P. Chase, of Ohio; Caleb B. Smith, of Indiana; John M. Palmer, of Illinois, and James Harlan, of Iowa.

never be interfered with by Congress. The people of a territory should be left to make it a free or slave state. Congress should never abolish slavery in the District of Columbia as long as it existed in Maryland or Virginia; nor prohibit interstate slave trade. All fugitive slaves rescued should be paid for by the United States. The Constitution should never be amended so as to give Congress power to abolish slavery in a slave state.

The substance of the resolutions was to deny to Congress any control as to slavery anywhere in the Union. The Peace convention re-echoed the amendment and the resolutions.

But the time for compromise was past. Seven states had declared themselves out of the Union; had seized and appropriated the property of the United States, and South Carolina had fired on the national flag.

South Carolina issued a "declaration of causes" in justification of secession, and an "address" to the people of the slave-holding states. These may be accepted as the authoritative excuse for secession; they asserted that the states were free, sovereign, and independent; that they had made the compact called the Constitution of the United States, and that each state had the right to judge whether the compact was kept; if broken, the state could withdraw from the Union.

Thirteen northern states, so ran the declaration, had violated the compact by their "personal liberty laws," a specific violation of the fourth article—the fugitive slave provision—of the Constitution.

The Constitution recognized the right of property in slaves. Anti-slavery agitation in the North had made such property wholly insecure.

"A geographical line has been drawn across the Union, and all the states North of that line have united in the election of a man to the high office of President of the United States whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common government because he has declared that that 'government cannot endure permanently half slave, half free,' and that the public mind must rest in the belief that slav-

ery is in the course of ultimate extinction. This sectional combination for the submersion of the Constitution has been aided in some of the states by elevating to citizenship persons who, by the supreme law of the land, are incapable of becoming citizens,* and their votes have been used to inaugurate a new policy hostile to the South and destructive of its peace and safety." The guaranties of the Constitution, the equal rights of the states, were lost;† therefore the slave states seceded in self-defense.

But this was declared to be only a part of the reason. There were others of an industrial nature. "The people of the South have been taxed by duties on imports, not for revenue, but for an object inconsistent with revenue, to promote by prohibitions northern interests in the production of their mines and manufactures." The South complained that it was taxed by the people of the North for their benefit, exactly as the people of Great Britain had taxed our ancestors in the British Parliament for the benefit of England.

The government of the United States had become consolidated with a claim of limitless powers in its operations. "The agitations on the subject of slavery were the natural results of the consolidation of the government—and if the people of the North had the power by Congress 'to promote the general welfare of the United States' by any means they deem expedient, why should they not assail and overthrow the institution of slavery in the South?"

The experiment of uniting under one government peoples living in different climates, and having different pursuits and institutions, had failed. The government of the United States could not be restored; the North had been faithless for half a century. When the Constitution was framed, "there was no tariff, no fanaticism concerning negroes."

"Time and the progress of things have totally altered the relations between the northern and southern states. That identity of feelings, interests, and institutions which once existed is gone. They were now divided between agricultural and manufacturing and commercial states; between

* Immigrants from Europe.

† Convention of South Carolina, 1860, 1861, 1862, pp. 461-466.

slave-holding and non-slave-holding states. Their institutions and industrial pursuits have made them totally different peoples."

"All we (the South) demand of other peoples is to be left alone to work out our own high destinies. United together, and we must be the most independent, as we are among the most important of the nations of the world," "a confederacy of slave-holding states." *

President Lincoln declared the policy of the national government in his inaugural address, March 4, 1861. It was as follows:

The rights of each state to control its own domestic institutions according to its own judgment exclusively should be maintained inviolate.

The fugitive slave clause of the Constitution and the fugitive slave law should be executed.

The Union is unbroken and perpetual.

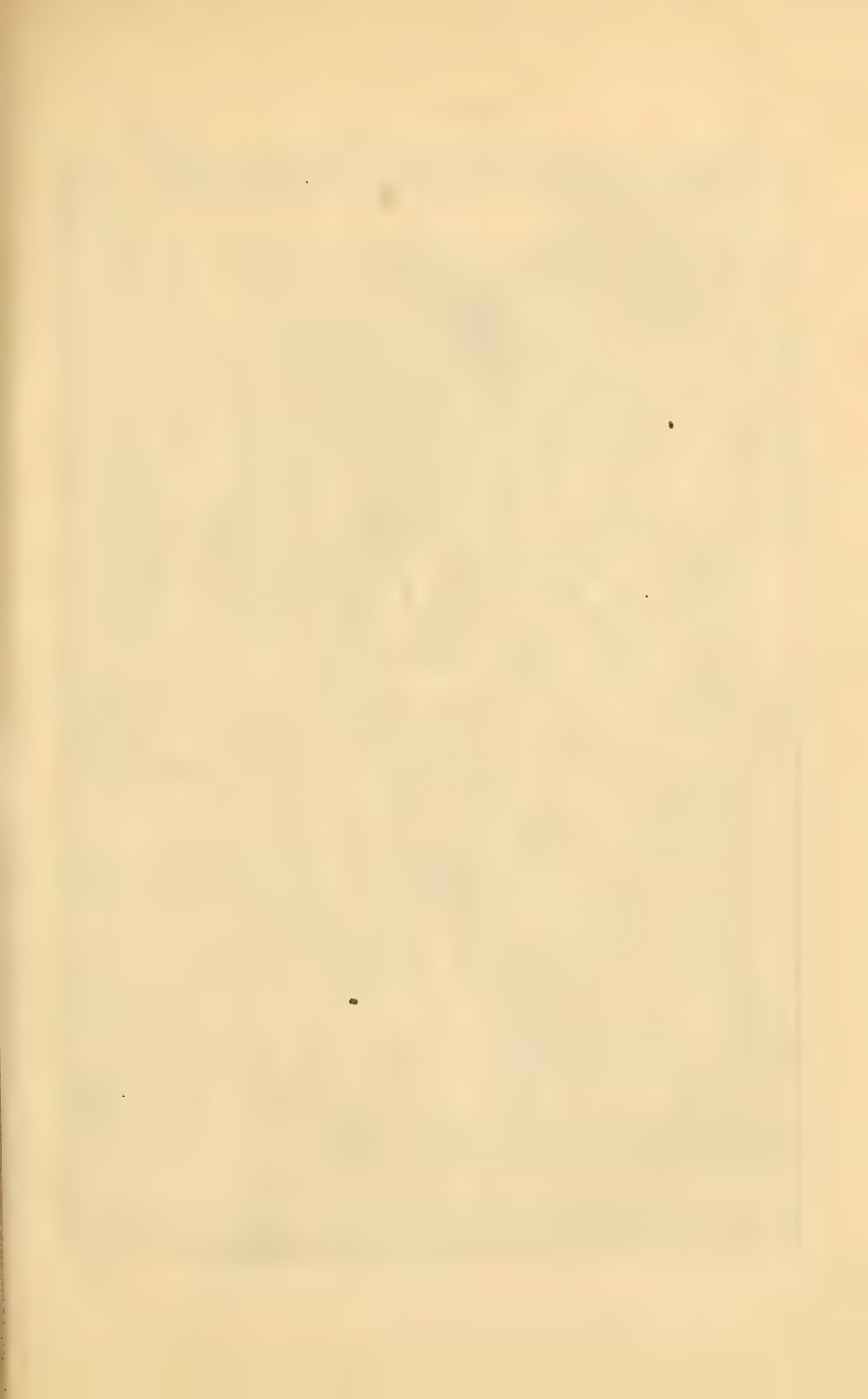
The laws of the Union should be faithfully executed in all the states.

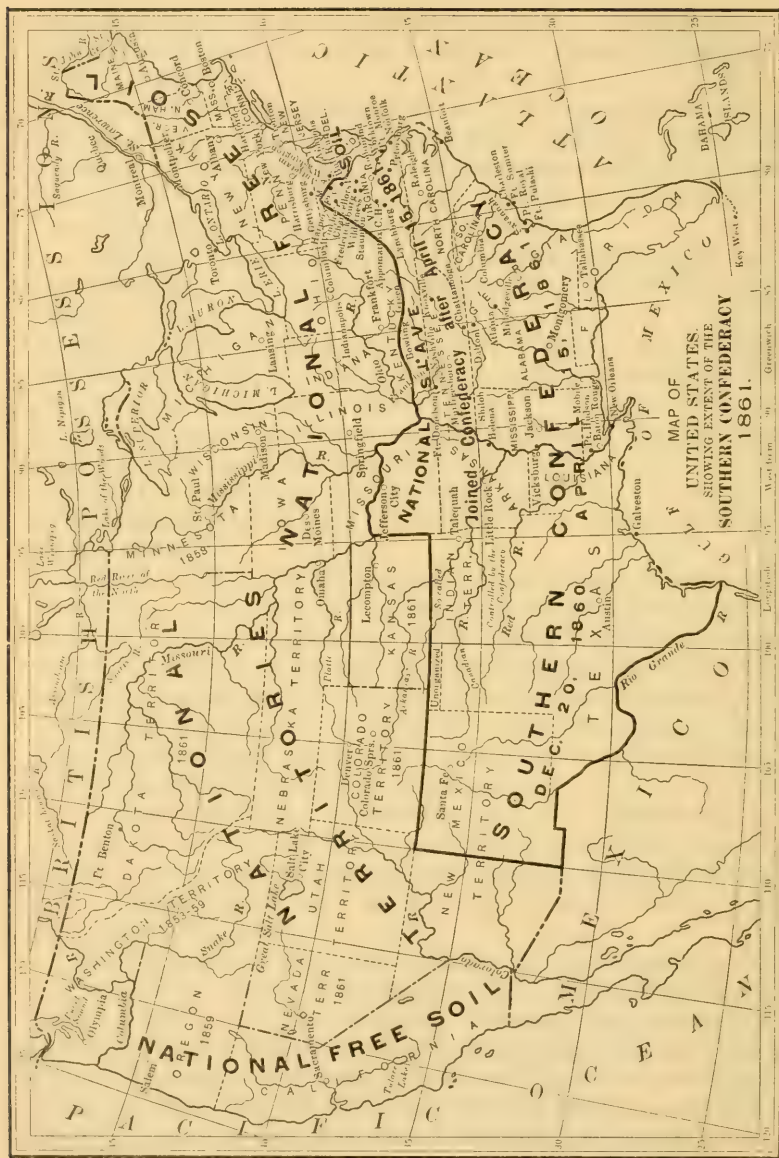
"In doing this," said he, "there need be no bloodshed or violence; and there should be none, unless it was forced upon the national authority. The power confided to him would be used to hold, occupy, and possess the property and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there would be no invasion, no using of force against or among the people anywhere."

"Why might not any portion of a new confederacy a year or two hence arbitrarily secede again, precisely as portions of the present Union now claimed to secede from it?" "The central idea of secession," said Lincoln, "is the essence of anarchy."

The President promptly decided to send supplies to Fort Sumter. When this decision was received by Governor F. W. Pickens, of South Carolina, he instructed General Beauregard to demand the surrender of the fort. Before daylight, of Friday, April 12, Anderson received word that if he did not surrender the fort within an hour it would be bombarded. A shot from the battery at Cum-

*South Carolina Convention, 1860-62, pp. 467-476.





mings Point announced Anderson's refusal, that Fort Sumter had been fired on, and that civil war was actually begun.

The bombardment continued two days. Anderson replied with all his available batteries. The fort was soon in ruins; and supplies were exhausted. On Sunday, he accepted Beauregard's terms; evacuated the fort "with colors flying and drums beating"; saluted his flag; brought away the tattered remnant, and with his men, embarking on a ship of the fleet Lincoln had sent to his aid, was carried to New York.* When the flag was saluted, a gun prematurely discharged caused a soldier's death. This was the only loss on either side.

Virginia, North Carolina, Tennessee, and Arkansas at once joined the Confederacy. Richmond became its capital, at the request of Virginia. There, on the 20th of July, the first Confederate Congress met, and the Confederate government, closely modeled on that of the United States, was organized. Nearly all the officers in the army and navy who were from the South offered their services to the Confederacy. For months, supplies of all kinds had been sent, by Buchanan's secretaries, to arsenals and forts now in possession of the Confederacy. Every government in Europe, except Russia, was friendly to the Confederacy and sympathized with its cause. The South was compact, united, and confident of winning in what it called "the War for Southern Independence." Its temporary constitution and government gave place to a permanent one. Davis and Stephens were re-elected. The Confederacy was well equipped as a military power when it organized at Richmond.

The President summoned Congress to meet in extra session on the 4th of July, 1861. He also on the 1st of April asked for seventy-five thousand volunteers, "the militia of the several states of the Union," for three months, to suppress the combination formed against the United States and "to cause the laws to be duly executed." The

*Edmund Ruffin, a Virginian, fired the first shot on Fort Sumter. He asked the privilege. Just before the war closed—when the end was apparent—he committed suicide.

the Atlantic to New Mexico, nearly one-half of the national domain. The United States had to blockade this vast area; to invade and hold it, and to carry supplies along with its forces. From a military point of view, the South had few good highways, except the rivers. These were soon traversed by what Lincoln called "Uncle Sam's web-feet," the hundreds of armed steamers of little draught. Neither the United States nor the Confederacy had a trained army. The Mexican War had trained about fifty officers, among them Jefferson Davis, Robert E. Lee, Joseph E. Johnston, Albert S. Johnston, John C. Pemberton, Simon B. Buckner, James Longstreet, and Ulysses S. Grant. Lee was a colonel and Grant a lieutenant in that war. Hundreds of veterans of the Mexican War volunteered in the Civil War; some on one side, some on the other.

When Lincoln became President, the treasury of the United States was nearly empty; the national debt was ninety million five hundred and eighty thousand dollars; the yearly expense of the government sixty-six million dollars, and the yearly revenue only forty-one million dollars. Congress increased the duties on imports; levied direct taxes; levied taxes on trades, occupations, and professions; on malt liquors, spirits, and tobacco; on incomes above eight hundred dollars; on bank checks, and on patent medicines. It empowered the Secretary of Treasury to issue bonds and United States notes. The cost of the war rapidly increased till, in 1865, the obligations of the government were over three million dollars a day. All this taxation was a burden on the people. Gold was at a premium all through the war. Treasury notes circulated at their face value.

The Confederate Congress acted in like manner. There was no money in the Confederate treasury, and the Congress passed a tariff law, May 21, 1861, which put duties on all imports except material used in educational institutions, food, military supplies, fertilizers, seeds, and household effects; levied direct taxes on everything taxable, except churches, schools, and property of a household valued under five hundred dollars. But before the war

ended, everything paid a tax. The Congress also authorized the Secretary of Treasury to issue bonds and Confederate treasury notes. These notes passed at ninety-five cents on the dollar from January 1 to May 1, 1861, but fell from that time. At the last actual sale, May 1, 1865, one dollar in gold would buy one thousand two hundred dollars in notes. Before this, however, they had become practically worthless.

All over the North was heard the cry, "On to Richmond." Many thought, in 1861, that the war would be over in less than three months, and surely, if Richmond was taken. The troops about Washington were under the command of General Irwin McDowell. Across the Potomac, near Manassas Junction, lay the nearest Confederate army under General Beauregard. McDowell was ordered to attack him, and so confident was the North of victory that members of Congress and many citizens of Washington went out to witness the victory and to see the victors off for Richmond. On Sunday, July 12, 1861, the two armies met on a field named, from a stream that flows through it, Bull Run. A hard-fought battle followed. The Federal army came back in a panic to Washington. Beauregard's army was too exhausted to pursue. The country saw that Richmond and the end of the war were a long way off. Both armies were unorganized, and military drill now began in earnest.

In the fall of 1861, the opposing forces faced each other along a line of separation running irregularly two thousand miles east and west from the Potomac to Indian Territory. The Army of the Potomac, under General George B. McClellan, faced the Army of Northern Virginia, under Generals Joseph E. Johnston and Robert E. Lee; the center, or Army of Ohio, under General D. C. Buell, confronted the Army of the Cumberland, under General Albert S. Johnston; the Army of the West, under General Henry W. Halleck, was confronted by the Army of the Trans-Mississippi, under Generals B. McCulloch and Sterling Price.

Skirmishing, marching, and counter-marching, the transportation of supplies and reinforcements, and fighting were going on all the time.

On the 19th of January, 1862, General Thomas, one of the noblest characters and ablest soldiers the war produced, met the Confederates at Mill Springs. A brief but fierce battle was fought, and the Confederate force was destroyed. The victory was of highest importance to the national cause. It gave the Union army the control of Cumberland Gap, a point of incalculable strategic importance, and it not only cleared the eastern part of Kentucky of Confederate troops, but gave an outlet to the loyal people of eastern Tennessee. It was one of Thomas's sledge-hammer blows. It left General Johnston's position at Bowling Green exposed. It was speedily followed by a greater Union victory on the Cumberland River.

Early in 1862, General Grant, co-operating with Admiral Foote, and acting under Halleck, made Fort Henry and Fort Donelson his "objective," or point of attack. The fleet silenced Fort Henry, and Grant, on the 16th of February, captured Fort Donelson. It was commanded by General Simon B. Buckner, whom Grant had known as a fellow officer in the Mexican War. Buckner wrote to Grant for terms. "No terms but immediate and unconditional surrender," answered Grant. "I propose to move immediately upon your works." It was the most important victory the national troops had won. The pithy statement of Grant's dispatch was caught up by the people and put into the list of American sayings. Grant was called "Unconditional Surrender Grant," and the name stuck. This victory moved the line of separation in the west two hundred miles southward into Tennessee. Grant followed. The Army of the Ohio, General Buell, moved southward to Nashville and the Tennessee River.

The objective of the Union armies in the west was to open the Mississippi River, which the Confederates controlled by powerful fleets on its waters and powerful batteries and forts on its banks. At Shiloh, Grant's army was attacked April 6, 1862, by Albert Sidney Johnston, who planned to destroy it before the Army of the Ohio could join it. Johnston was killed at a crisis in the battle, and Beauregard succeeded in command. A detached division of Grant's army, under General Lew Wallace, and three divi-

sions of Buell's army arrived. On the 7th, the Confederates were defeated and fell back to Corinth. While Grant was fighting at Shiloh, General Pope, co-operating with Admiral Foote, captured the Confederate fort on Island No. 10. The fleet continued down the river, captured Fort Pillow June 5, and Memphis June 6, utterly destroying the Confederate fleet. Vicksburg remained the only obstruction to the free navigation of the river.

With the Mississippi as the objective, Commodore Porter and General B. F. Butler, co-operating, attacked the Confederate defenses about New Orleans. The national fleet steamed past the forts, fighting, to the Confederate fleet above, utterly destroyed it, and passed on, captured New Orleans April 25, all in less than ten days.

Corinth was the next objective. Halleck now united the armies under Pope, Grant, and Buell, and advanced in person upon Corinth. General Beauregard abandoned it, and the national troops took possession May 30. This carried the line of separation in the west as far south as northern Mississippi. Halleck was suddenly ordered to Washington to act as military adviser to the government. Buell was directed to make Chattanooga his objective. Grant, commanding the Army of the Tennessee, was left to fight two armies—General Price and General Van Dorn. General Braxton Bragg succeeded Beauregard, and moved his army by rail to meet Buell at Chattanooga. He forced Buell to fall back to Louisville, on the Ohio. Reinforced here, Buell resumed the offensive, and defeated Bragg at Perryville, Kentucky. Bragg then fell back to Murfreesboro, Tennessee.

Grant had to defend a line extending one hundred and fifty miles. Price and Van Dorn attacked him at several points. They were defeated at Iuka, September 20, and at Corinth, October 4, where Rosecrans not only won victory, but put an end to the war in that part of the country.

The next objective was Vicksburg, the last Confederate stronghold on the Mississippi, covered by the armies of Price and Van Dorn, and occupied by a garrison commanded by General Pemberton. Grant's forces were scattered. He concentrated most of them at Oxford, Missis-

ssippi, December 2, 1862, sent Sherman back to Memphis, his base of supplies, to organize a force there, and to move against Vicksburg direct by the river; Grant himself meanwhile preventing Pemberton from detaching any part of his own force. But Pemberton sent Van Dorn to cut off Grant's supplies, and compelled him to fall back to Memphis. Sherman found Vicksburg too strong to be taken. Grant came to Vicksburg to take charge of the siege in person. Admiral Porter's fleet ran the batteries by night, and passed above Vicksburg. Grant cut off its supplies on the land side, and prevented General Joseph E. Johnston from relieving Pemberton. The siege ended with the surrender of the place to Grant on the 4th of July, 1863. As Lincoln said, the Mississippi now ran "unvexed to the sea." One part of the grand plan of war was thus carried through successfully.

The central line of separation was at Murfreesboro, Tennessee, and Perryville, Kentucky, in December, 1862. There Buell confronted Bragg. Buell was displaced by Rosecrans. At Murfreesboro, on the Stone River, a bloody battle was fought, January 2, 1863. Bragg fell back to Chattanooga. A series of great battles now began. Bragg, reinforced by General Longstreet, with a portion of the Army of Virginia, moved on triumphantly against Rosecrans's army till the 20th of September, when his triumph was stayed by General George H. Thomas, the "Rock of Chickamauga," commanding the Fourteenth corps. Rosecrans took Chattanooga, his objective, but was straightway besieged by Bragg.

Reinforcements were sent, those under General Joseph Hooker, a Mexican veteran, from Washington; those under Sherman, from Vicksburg; Thomas superseded Rosecrans, and Grant, now put in command of the three armies, of the Cumberland, of Tennessee, and of the Ohio, hastened from Vicksburg to take command in person. At Knoxville, one hundred and ten miles away, was Burnside's army. Bragg, confident that he was more than a match for Grant, and that the national armies before him must soon be compelled by starvation to surrender, detached Longstreet to destroy Burnside. Grant attacked Bragg

November 24, 1863, fought "the battle above the clouds" at Lookout Mountain and on the 25th the battle of Missionary Ridge, utterly routed the Confederates, and sent help to Burnside. Not only was the Mississippi opened, but the vast region between it and the Alleghanies was in the possession of Union armies. It was the scene of many skirmishes later, but of no more such terrible battles. At the close of 1863, the Confederacy was shut in between the Atlantic and the Cumberland Mountains, the Rapidan River in Virginia, and the Gulf of Mexico. This was a vast area, but less than a third of the Confederate area in 1861.

Nothing has been said of military operations in the east. Let us briefly outline them. When the war began, General Winfield Scott was in command of the United States army. He was a child of three when Washington was inaugurated. On the 1st of November, 1861, he was retired on account of age, and George B. McClellan was appointed to succeed him. Before his retirement, General Scott outlined the grand plan of suppressing the rebellion already mentioned. General McClellan organized and drilled the Army of the Potomac. At the opening of 1862, it confronted the Army of Virginia, commanded by General Joseph E. Johnston.

The Confederacy sent James M. Mason and John Slidell, formerly Senators of the United States, as commissioners at large to win the support of France and England. Leaving Charleston on a blockade runner, they reached Havana, and there took passage on the Trent, a British mail steamer. Captain Charles Wilkes, in the San Jacinto, a United States war-vessel, overhauled the Trent, November 8, 1861, took off the commissioners, let the mail steamer pass on, and brought the two men and their secretaries to port. Earl Russell promptly demanded proper redress—the apology of the United States and the restitution of the prisoners.

The affair stirred feelings of hostility in both nations. England prepared for war. President Lincoln expressed the logic of the situation in a few words: "One war at a time." Secretary Seward replied at length to Earl Russell. He said Wilkes had acted without authority. He might have said that the United States had fought the War of

1812 in protest against "the right of search." The prisoners were finally delivered on board an English vessel, and went on their way to Europe.

On January 27, 1862, the President, dissatisfied with McClellan's inactivity, issued his "General Order No. 1," that all the armies should simultaneously advance against the Confederates, February 22. McClellan, obeying the order, found that the Confederates had withdrawn behind the Rappahannock. On the 23d of July, McClellan was relieved of the chief command, and restricted to command of the Army of the Potomac. A series of engagements now began, culminating in the battle of Fair Oaks, May 31. Here Johnston was wounded, and Robert E. Lee succeeded him in command of the Army of Northern Virginia. The seven days' battle from Gaines's Mill to Harrison's Landing, June 25-July 1, followed, which was a long and costly retreat for the Army of the Potomac. McClellan had been an officer in the Mexican War. Like most of the officers already named, he was a graduate of West Point. It was to take McClellan's place as commander-in-chief that Halleck had been summoned from Corinth. The Army of the Potomac was again in front of Washington, in August, 1862, confronted now by General Lee. General Pope was called east and put in charge of the forces immediately around Washington. He was confronted by General "Stonewall" Jackson. The second battle of Bull Run was fought by their two armies, and Pope was defeated, though he prevented Lee from reaching Washington.

When the Confederacy seized the forts, arsenals, and navy-yards of the South, it found at Portsmouth, Virginia, a number of vessels on the stocks. The naval superintendent before leaving the place to the Confederates ruined the property as far as he could, sank ships, and threw machinery into the sea. The Confederates repaired damages, and transformed an old-style wooden cruiser called the *Merri-mac* into a powerful ram, covering it with railroad iron and renaming it the *Virginia*. A wooden fleet was at this time blockading Chesapeake Bay. Leisurely the *Virginia* proceeded to destroy this helpless fleet.

The Cumberland, one of the fleet, was struck again and again. In vain she rained her fire upon the Merrimac. Not a shot had the slightest effect, and the Cumberland went down, her guns steadily firing till they were filled with water, and her flag flying till she sank out of sight. Then the Congress, another fine ship, met her fate, surrendered, and was burned. Night came, and the Virginia went back to the Elizabeth River to wait for daylight, before destroying the remainder of the fleet.

During the night of March 8, a curious thing had arrived from New York, called the Monitor, designed by John Ericsson, who, in 1839, had built the first screw propeller in England, and crossed the ocean with it. The Monitor had an iron hull, a deck of iron nearly even with the water, and on deck an iron cylinder, revolving by machinery and carrying two guns. Her length was one hundred and seventy-two feet, her width forty-one feet. She drew ten feet of water. The turret was twenty feet in diameter and ten feet high. Her entire construction was novel. On her way down from New York she encountered a severe storm. Her commander, Lieutenant John L. Worden, and his men suffered for lack of air and from the motion of the novel craft. She arrived in time to witness the destruction of the Congress.

News of the disaster to the fleet was telegraphed all over the country. Every port in the United States was at the mercy of the Merrimac. There was cause for alarm.

Early on Sunday morning, March 9, the Merrimac steamed down to complete her work, when from behind the Minnesota the Monitor glided out, "a cheese-box on a raft." The circular turret moved in quick succession, heavy shot poured forth from the Monitor, every one of which struck the Merrimac, but with no apparent effect. The Merrimac tried in vain to get past, but finally replied and sent her broadsides against the turret of the Monitor, but every shot fell harmless. Leaving the Monitor then, the Merrimac turned upon the Minnesota, which was aground, her men in amazement watching the strange duel. Her ponderous shot struck the hull of the wooden ship, and set her on fire. Quickly the flames were sub-

dued. Then the Monitor came down upon the Merrimac, forced her to change position, and she went aground. With effort she got off and turned her prow toward her anchorage. But the Monitor pursued, pouring upon her an incessant stream of heavy shot. The Merrimac suddenly turned and tried to ram the Monitor, but her prow glanced and her wooden hull was exposed. The Monitor sent one of her solid shot fair and square against the Merrimac, and indented but did not penetrate her casing.

The Merrimac withdrew, and a wooden warship has not been built from that day to this. Ericsson's Monitor had not merely saved the fleet; it had changed the navies and the naval history of all the nations of the world. When Norfolk fell into the hands of the government, the officers and crew of the Merrimac, on the 11th of May, 1862, ran her ashore and blew her up. In January, 1863, the Monitor, while on her way under sealed orders, went to the bottom in a storm off Cape Hatteras.

The President proclaimed the blockade of the Confederate coast in April 1861. A true blockade, unlike Napoleon's "paper blockade" of Great Britain in 1800, must be maintained by the active presence of armed cruisers. At the opening of the war, the United States was not prepared to close in every port and bay along its two thousand miles of coast. But vessels were built or transformed from commercial craft with amazing rapidity, and the blockade was a terrible reality to the South all through the war. It was essential to the United States, because the Confederate States could produce nearly five million bales of cotton every year which could be exchanged in Europe for supplies of all kinds. Most of the cotton used in the factories of England came from the United States. The sudden cessation of the supply made a cotton famine in England, and was one reason why public opinion in England was for a time so strongly in favor of the Confederacy.

But the plain people, the English working-classes sympathized with the United States. However, cotton must be had by England, and must be sold by the Confederate States, if possible. Hundreds of blockade-runners kept up a stealthy cotton trade. They ran into southern ports from

the British West Indies, and chiefly from Nassau. They were built for speed, strength, and deception, and were manned by resolute crews. Their capture became the regular business of the navy, which succeeded in taking or destroying more than fifteen hundred of them.

The Confederacy built warships on the James River, at Norfolk, at Portsmouth, Virginia, at Charleston, at New Orleans, and in Liverpool, England. These were intended for the destruction of the merchant ships of the North, and the intention was carried out. The most powerful and destructive of these cruisers, the Florida, the Alabama, and the Shenandoah, were built in England, and handed over to the Confederate government, in spite of the protest of the United States minister to England, Charles Francis Adams. The English government allowed the Florida and the Alabama to be built, and though at peace with the United States, suffered them to go forth in the Confederate service. But the English government was not a party to the transaction. It was a case of fillibustering highly exasperating to the loyal people of the United States. The matter almost caused us a third war with England. The Florida, after damaging our commerce nearly a year and a half, was captured by the Wachusett, a United States warship, in the harbor of Bahia, Brazil. This was a violation of our treaty with Brazil, as we were at peace with that country. Our government ordered the return of the Florida to Brazil, but she was blown up, it is said by accident, in Hampton Roads.

The Alabama, known also as "290," cruised the world around, and became the terror of our merchant ships. The Kearsarge came upon her in the harbor of Cherbourg, France, and challenged her to fight. On the 19th of June, 1864, the challenge was accepted, and after a terrible fight, lasting an hour and three minutes, the Alabama struck her colors, and soon after sank. Her officers and many of her crew were rescued by an English yacht and escaped.

The Shenandoah was the last ship purchased by the Confederacy. She was originally a British East Indiaman, the Sea King, but was overhauled, sailed from Liverpool October 8, 1864, and received her officers and her arma-

ment at sea. She was equipped specially to destroy the North Pacific American whaling fleet. Her course was a wake of ruin. She was in the midst of her career, when in June, 1865, two months after Lee's surrender, she heard of the fall of the Confederacy. She then returned to England. Among the blockade-runners was the English-built Atlanta, renamed the Tallahassee, which haunted the New England coast in 1864, and wrought havoc with the coast trade.

The Sumter was a sea-going steamer, altered into a cruiser at New Orleans, leaving that port in July, 1861. For six months she ranged the highways of trade and ravaged out merchant marine. She was sold in 1862, at Gibraltar, to escape capture and her captain, Raphael Semmes, was transferred to the Alabama.

General Lee now took the offensive, invaded Maryland, was joined by Jackson at Antietam, where September 17, he was overtaken by McClellan, and a great battle was fought. Lee retired into Virginia. McClellan was relieved of command, and General Ambrose E. Burnside was put in his place. Burnside took the offensive, crossed the Rappahannock, and attacked Lee, though in vain, at Fredericksburg, December 13. Burnside was removed from his command and General Hooker appointed, who crossed the Rapidan, fought Lee at Chancellorsville May 4, and retreated to the north bank of the Rappahannock.

Lee now took the offensive again, crossed Maryland, invaded Pennsylvania, and attacked General George B. Meade, who had been put in Hooker's place, while the army was on the march. At Gettysburg, July 1-3, 1863, Lee was defeated; his army fell back south of the Rappahannock, and Meade's army leisurely following, the two armies confronted each other on familiar ground. Lee's defeat at Gettysburg and the surrender at Vicksburg were on the same day.

Looking back now to the days of the war, slavery seems different than it did then. Neither the United States nor the Confederate states would have said that they went to war solely on account of slavery. But as the war continued on a more and more stupendous scale, the feeling of the

people of the free states changed respecting slavery. "Let it be abolished" was the idea that rapidly drove out all others. President Lincoln said clearly in his first inaugural that he would not interfere with it in the states. His famous speech of 1858 on "the house divided against itself" has already been noticed. But as the war went on, the question of slavery came up in a new light. The Confederacy was in arms against the government, and derived its support from slave labor. As the national armies gained possession of Confederate territory, thousands of slaves fell into their hands. What should be done with them? They could not be returned to their owners. They could not be held by the United States. They were a new kind of "contraband of war."

In March, 1862, the President proposed to Congress a plan of emancipation at national expense; the government to buy the slaves at three hundred dollars or four hundred dollars apiece. But the border states, who had to be consulted in the matter, as they were loyal and slave-holding, refused to accept any such proposition. The Confederacy asked recognition from the nations of Europe. They hesitated to recognize it, largely because it was slave-holding. But so was the United States. What, then, was the war about, as the outside world saw it? Or was it a war for freedom on the one side and for slavery on the other?

Public opinion in the loyal states had practically reached the last conclusion. But the national armies, down to mid-summer, 1862, had not met with great success. Lincoln had watched public opinion anxiously and carefully. It was his guide. He resolved to express it in a proclamation respecting slavery, but lest the motive might be misconstrued as one of fear, he waited for a Union victory. Antietam was fought and Lee retreated into Virginia. Then the President, in compliance with a solemn vow which he had secretly made that a proclamation should follow Lee's retreat, issued, on the 22d of September, 1862, a preliminary emancipation proclamation, declaring:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any state—the people whereof

shall then be in rebellion against the United States—shall be then, thenceforth and forever free.” The first of January came; rebellion continued; the President issued his emancipation proclamation, freeing the slaves in designated portions of the Union.

Of this famous proclamation, it is to be said that—

It freed the slaves only in the parts of the United States which were in rebellion on the day the proclamation issued. While it did not abolish slavery, nor free slaves in the loyal slave-holding states, nor free slaves in those portions of the Confederate states held by the armies of the United States, it was “an act of justice and of military necessity,” warranted by the national Constitution, and was at once popularly interpreted as the end of slavery, and made the war, as far as the United States was concerned, a war for freedom, and as far as the Confederate states were concerned, a war for slavery. The proclamation practically gave freedom to nearly four million human beings.

On the 1st of February, 1865, Congress passed the Thirteenth Amendment, abolishing slavery in the United States. By the 11th of December it was ratified by twenty-eight states, and later by five more. It was proclaimed a part of the Constitution December 18, 1865.

In May, 1864, a convention of radical Republicans met in Cleveland, Ohio, to nominate a ticket for President and Vice-President. They were members of the Republican party who thought Lincoln too mild and too compromising. They demanded a more aggressive policy. Among their demands was one for “the confiscation of the lands of the rebels and their distribution among the soldiers and actual settlers.” By actual settlers were meant the negroes, and the land distribution was declared to be an act of justice. John C. Fremont, of California, and John C. Cochrane, of New York, were nominated.

The regular Republican convention met in Baltimore in June, renominated Lincoln, and associated Andrew Johnson, of Tennessee, on the ticket as Vice-President. The platform declared that slavery should be abolished; that negro soldiers in the national service were entitled to the full protection of the laws of war; that foreign immigration

should be encouraged; that a railroad to the Pacific coast should be built, and that the Monroe doctrine should be enforced. This last clause was inserted because of the interference of Napoleon III. in the affairs of Mexico.

In August, the Democrats met in Chicago, and nominated General McClellan, of New Jersey, and George H. Pendleton, of Ohio. The platform declared the war a failure; that the Union was not restored, and that the Lincoln administration had in various ways violated the Constitution.

General McClellan repudiated the platform in his letter of acceptance, and Fremont withdrew, declining to run against Lincoln.

None of the Confederate states voted. West Virginia and Nevada, the latter admitted October 31, 1864, and twenty-two other states participated in the election. Of the popular votes, Lincoln and Johnson received 2,216,067, and of the electoral votes, 212; McClellan and Pendleton were given 1,808,725 popular votes and 21 electoral votes. Lincoln's second inauguration occurred March 4, 1865. His second inaugural ranks among the world's classic speeches. It was a brief review of the preceding four years, and a sign of the future. It is not strange that the thousands who heard him utter it were profoundly moved by his closing words: "With malice toward none; with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

On the 9th of March, 1864, President Lincoln commissioned Ulysses S. Grant lieutenant-general, and commander-in-chief of all the national armies. The rank of vice-admiral, equal in grade to that of lieutenant-general, was created, and conferred on Admiral David G. Farragut. The rank created for Washington and conferred on him in 1798 was revived by Congress, with the understanding that Grant should receive it from the President. Grant received the commission at Washington, in person, and speedily

returned to Nashville, where on the 18th he turned the command of the western armies over to General William T. Sherman. At a conference between these commanders a plan to end the war was agreed on. All the national armies should assume the offensive and by concentric lines converge upon the enemy; that is, upon General Lee's army in Virginia and General Johnston's in Georgia.

On the 4th of May, 1864, Grant crossed the Rapidan. General Meade was in command of the Army of the Potomac, but acted directly under Grant's orders. Eleven months of constant fighting now began. Grant never retreated. It was ever "Forward by the left flank" with him. A series of terribly destructive battles followed. General Lee was on the defensive, behind intrenchments, and moving on short lines in a familiar and friendly country. General Grant was on the offensive, attacking strong intrenchments, and moving in long lines in an unfriendly country. It was one continuous battle, though known by different names, as Lee fell back and Grant pushed on. At Spottsylvania, the battle raged twelve days, till the 10th of May, when Lee fell back to the defenses of Richmond. Here for ten months the battle raged. Lee was penned, but unconquered.

General Lee received supplies from the central South, but immediately from the rich Cumberland Valley of Virginia. Through this he ordered General Jubal Early to make a raid on Washington, and thus to weaken Grant. Though the raid was unsuccessful, it showed Grant that the Confederates still had an easy highway over which to invade the North. Moreover, the valley fed Lee's army. Early had taken position at Winchester, Virginia. Grant brought General Philip H. Sheridan from the west to take command of the cavalry of the eastern army, to drive out Early, and to cut off Lee's further supplies from the valley. On the 19th of September, Sheridan attacked Early, fighting the battle of Cedar Creek and routing him. Early reorganized his army, and in Sheridan's absence attacked the Union army, and broke it up in confusion. At a critical moment, Sheridan arrived, turned defeat into victory, and completely destroyed Early's army. The valley ceased being a base

of supplies to General Lee; these must come from the South. Meanwhile, great events had been occurring elsewhere.

On the plan of the Merrimac, the Confederates built the ram Tennessee, supposed to be the most powerful warship afloat. She was brought down to defend Mobile, which, with its cordon of forts, in August, 1864, Admiral Farragut, with a fleet of twenty-one wooden vessels and four monitors, proceeded to attack. A terrible battle followed. The national fleet advanced up the bay, bombarded the forts, met and captured the formidable Tennessee, and later, in co-operation with a small Union land force, compelled all the forts, including Morgan and Gaines, to surrender. The city was not captured till April, 1865.

The army of General Johnston, at Dalton, Georgia, was one of the two great objectives against which the Union forces were to be directed when General Grant laid down the plan for closing the war. Against this army General Sherman moved, when Grant moved against Lee, early in May, 1864. General Johnson fell back from point to point. In July he was superseded by General John B. Hood, who, the Confederate government thought, was a better fighter.

Battle now succeeded battle. Hood fell back; Sherman occupied Atlanta September 2, 1864, but Hood's army, as Sherman says, "had escaped." Would he raid Kentucky and Tennessee, attack Sherman, or join General Lee, or fall back farther? Hood pushed on to Nashville, and invested the city, held by General Thomas. On the 16th of December, Thomas moved out of his intrenchments, and attacked and destroyed Hood's army as completely as Sheridan had destroyed Early's in October.

Richmond remained the Confederate stronghold, supplied from the southward. To cut off these supplies, Sherman marched from Atlanta to Savannah, the famous "march to the sea," November 15-December 21. With the destruction of Hood's army, the war in the west came to an end. But Johnston was at the head of an army in North Carolina. Sherman's "march to the sea" not only devastated the garden of the Confederacy, it brought his army to the coast, to a new base from which he could act

closely with General Grant. Turning northward from Savannah, Sherman moved upon Goldsboro, North Carolina, near which reinforcements, under General J. M. Schofield, from Nashville, joined him. The consolidated armies under Sherman consumed the supplies that Lee depended on for existence. The Confederacy in the early spring of 1865 was confined to Virginia below the James River, and to the western part of North and South Carolina. Richmond and its intrenchments were all that seemed left of it.

On the 1st of April, 1865, General Sheridan, at the battle of Five Forks, cut off the line of Lee's supplies. One escape remained to Lee, to make a junction with Johnston and to prolong the war in the mountains. Grant prevented this by heading Lee off at Appomattox, where, on the 9th of April, he surrendered the Army of Northern Virginia to Grant.

The two commanders met for the first time since the Mexican War. Lee was the elder by sixteen years. Grant drew the terms of surrender, and they were simple and generous. The officers, for themselves and their men, agreed not to take up arms against the United States "until properly exchanged." Then they all went home, taking their horses with them, which Grant said they would want "to work their little farms." Neither General Lee nor any of his officers was asked to surrender his sword. Grant forbade all signs of rejoicing in his army, and ordered his commissary to issue twenty-five thousand rations to Lee's men, partly at Lee's suggestion.

A week later, Johnston surrendered to Sherman, on the same terms. Before surrender General Lee had informed Jefferson Davis that Richmond could be held no longer. The Confederate President and his cabinet fled southward, taking with them the archives of the Confederate government and what coin remained in its treasury. At Irwinsville, Georgia, Davis was captured, on the 10th of May, by a company of United States cavalry.

On the 14th of April, 1865, General Anderson raised over Fort Sumter the tattered flag he had hauled down just four years before. It was saluted by the shore batteries, by the ships in the harbor, and by millions of loyal hearts

all over the country. Appomattox was speedily followed by the fall of Richmond, and people were rejoicing throughout the Union that the war was over. Suddenly, amidst the rejoicing, the news flashed over the country that Lincoln had been assassinated. The wearied President had sought a slight diversion from the burdens of his office the night of April 14, in attending Ford's Theater with Mrs. Lincoln. The play was going on, when the report of a pistol was heard; a man was seen to leap from the President's box, to stand for a moment on the stage, to brandish a dagger, and shout "*Sic semper tyrannis!*" before vanishing behind the scenery. Then the audience was horrified to discover that all this was not a part of the play. The President had been shot through the head; the assassin had escaped. Lincoln died in the early morning. John Wilkes Booth, the assassin, was hunted down, was discovered in a barn near the Rappahannock River, and refusing to surrender, was shot by a Union soldier.

It was discovered that the assassination of the President carried out only a part of a terrible conspiracy. Its members were found, tried, and punished. The principals were hanged.

Andrew Johnson, who became President on the morning of Lincoln's death, was ill qualified to perform the duties of the great office at the conclusion of a terrible civil war, when our political institutions were in a state of reorganization. Yet it should not be forgotten that no President before him, save Lincoln, had faced so gigantic a task. Lincoln was buried amidst the lamentations of the people. When he was dead, they began to discover how great and good he was. In him the South lost its best friend.

From the 1st of July, 1861, to the 1st of May, 1865, two million men had been on the muster-rolls of the Union army. Nearly eight hundred thousand were "present" for duty when the war closed. In the last week of May, the veterans marched in grand review, for the last time together, down Pennsylvania Avenue in Washington. Never had the world witnessed such a sight. For two days, the 23d and 24th, the matchless procession, extending thirty miles, marched on, its bands playing, its tattered flags fluttering

in the breeze. The nation seemed present to greet the brave men who had saved the Union. It was not alone the President and his cabinet, nor Congress, nor Grant, nor Sherman, nor Sheridan, nor Thomas, nor Meade, nor Hancock, whom the nation honored, but the common soldier as well. But what of the great company, three hundred and fifty thousand strong, who had gone to the front and never returned? Here was the grand review of the living, there was the "bivouac of the dead." And in the silent company there were as many more of those who had worn the gray.

Europe, the continent of wars, looked on amazed. The soldiers of the Republic, North and South, broke ranks, and in a day vanished into the usual occupations of life.

CHAPTER XXXIV

RECONSTRUCTION

1865-1877

The ten years immediately following the war, usually spoken of as "the era of reconstruction," were years of confusion, of counter-revolution, of political agitation, and of reorganization. The people of the United States had very serious problems on hand. Chief of these were the pacification and government of the late Confederate states, the status and treatment of the negroes, and the payment of the national debt. What relation did these states bear to the United States? Were they in or out of the Union? What was to be done with the negroes? Were they citizens? What were their rights? Who should protect them? How should the national debt be managed and paid?

Lincoln said in his first inaugural that the Union was perpetual and unbroken. On the 8th of December, 1863, he had issued a "proclamation of amnesty and reconstruction" to all who would lay down their arms and swear allegiance to the government, excepting members of the Confederate government and others who, as United States or state officers, had sworn to support the national Constitution. The proclamation reached the mass of southern men. If one-tenth of those in the several Confederate states who had voted in 1860 would re-establish state governments, republican in form, the United States would recognize them as true governments. Louisiana, Arkansas, Virginia, and Tennessee acted on the President's plan, but Congress refused to recognize them. These states had made new constitutions, and chosen Congressmen and Senators who came to Washington. Congress refused to admit them, and the electoral vote of these states was not counted in 1864. Lincoln's last public speech was on April 11, 1865, and it was mainly a discussion of reconstruc-

tion. Passing over the question whether the southern states were in or out of the Union, he said that the sole object of the government was "to again get them into proper practical relation with the Union." The radical Republicans did not like his speech; but sudden death put an end to whatever plan Lincoln had worked out in his mind.

Congress insisted that reconstruction was not a matter for the executive to regulate; that Congress alone has the right to determine what is a "republican form of government" in a state. Therefore, Congress and not the President should take the lead.

But the new President had an entirely different idea. The collapse of the Confederacy and the complicity of the southern state governments, he claimed, had put an end to civil government in the South. The President was the person, under the Constitution, to restore order and civil government there. He therefore proceeded to execute the United States laws in the South. The blockade was raised; the mail service was resumed, and the customs and internal taxes were ordered to be collected. Over each of the late Confederate states the President placed a provisional governor, instructing him to execute all state laws applicable to the new state of affairs, and to call a convention which should make a new constitution for the state.

All this was done. The conventions met in 1865, made new state constitutions, passed ordinances repealing all secession acts of whatever kind, abolished slavery, ratified the Thirteenth Amendment, held elections, chose state officials in every department, elected United States Senators and Congressmen, and sent these and their new constitutions to Congress. But Congress refused to recognize any of these reconstruction acts, rejected the constitutions, and refused to admit the Senators and Representatives. This action of Congress brought the question of reconstruction into politics and disclosed a serious antagonism between Congress and the President.

The radical objection to these first constitutions was their treatment of the negro. They permitted only white men to hold office; they permitted only white men to vote,

and they excluded negroes from the basis of representation. Only the white inhabitants were included in this basis, but the property of all, white and black, was to be taxed.

Though the southern states had repudiated all the secession acts, had abolished slavery, and ratified the Thirteenth Amendment, they had left the negro without citizenship. They passed laws for the government of "freedmen, free negroes and mulattoes" which practically put the negroes in a condition of slavery. There was a great variety of these laws in force in the South when Congress met in December, 1865.

The President's reconstruction measures and the new southern constitutions were ignored by Congress, and that body took up the problem of securing civil and political rights to negroes. A civil rights bill was passed April 9, 1866, which made the negro a citizen of the United States. But this did not make him a citizen of a state, with the right to vote. On the 16th of June, 1867, Congress passed the Fourteenth Amendment, and sent it to the states for ratification. No state lately in the rebellion could be admitted into the Union until it had ratified this amendment.

Congress then proceeded to apply its own method of reconstruction. The Confederate states were subdivided into five military districts, each in charge of an officer of the United States army. In March and July, 1867, acts were passed specifying in what manner elections should be held in the South, and who should be permitted to vote. An oath, called by some "the iron-clad oath," was exacted of all voters. It kept out all those who, having once sworn allegiance to the Constitution of the United States, had violated their oath by taking up arms. Arkansas, Florida, North Carolina, Louisiana, South Carolina, Alabama, and Georgia ratified the Fourteenth Amendment by the 21st of July, 1868. This made the requisite number of states, with the twenty-three which had already ratified, and it was proclaimed a part of the Constitution July 28, 1868. This amendment was intended to correct the faults of the reconstruction constitutions of 1865. The southern states made new constitutions, in conformity with its principles, in 1868, and chose Representatives and United States Senators.

These were admitted to seats in Congress, and by 1870 all the states were again represented in that body.*

On the 30th of March, 1867, the country and the world in general were surprised to hear that Russia had sold the United States, for seven million two hundred thousand dollars, the province of Alaska. Never before had the Russian government consented to dispose of any of its territory. All through the war that government had given evidence of strong friendship for our own. The fur-bearing seal was supposed to be the chief source of wealth in the region. Our government granted exclusive seal privileges to a company. This eventually produced disputes and led up to the Alaska seal-fishery complications of later years. The purchase of Alaska added 577,390 square miles to our national domain, at a cost of two cents an acre.

On the 16th of July, 1868, the Senate ratified a treaty with China. Anson Burlingame, our minister to that country, was commissioned by its emperor a special envoy to all the western nations. He was the first representative ever sent by China to Europe or America. Some of the European powers did not favor the idea that an American should be selected for so extraordinary a mission. The Chinese embassy, with Burlingame at its head, arrived in San Francisco on the last day of March, 1868. Mr. Burlingame then discovered that the Empire of China had no flag. He was ingenious enough to make one out of the "dragon," the Chinese mark of empire, and some yellow cloth, the imperial color. The treaty with China opened its ports favorably to American trade.

This important event did not mark the first appearance of the American flag in the Far East. In 1853-54, Commodore O. C. Perry, acting under orders of President Fillmore, had conducted an American squadron to Japan, and succeeded in opening the ports of that country, until that time closed to the western world. A treaty of amity and commerce with the United States followed, March 31, 1854. This opened up Japan; awoke it from its oriental slumber of ages, and was the primary cause of those extraor-

* For a detailed account of the reconstruction period, see my Constitutional History of the United States, 1765-1895, Vol. III.

dinary changes which have transformed Japan into a great modern power. No other nation in the annals of history has made equal progress in so brief a time. Perry's expedition may be said to have resulted in the re-creation of Japan.

When Congress passed its reconstruction act of 1868, it passed another to prevent the President from defeating its execution. This was the "Tenure of Office" act. The Constitution vests in the President the power to appoint to office, with the consent of the Senate; it does not require the consent of the Senate to removal from office. Congress feared that President Johnson would remove from office the men favorable to its plan of reconstruction, and thus, by failing to carry it out, to cause it to fall through. To prevent this, it passed the "Tenure of Office" act, which required its assent to their removal.

The most important office at issue was that of Secretary of War. Edwin M. Stanton, who had held the office from early in Lincoln's first term, had been continued in the office by Johnson. The President requested Stanton to resign. The Secretary refused. Johnson appointed General Grant in Stanton's place, but he soon gave the office over to Stanton when Congress expressed its opinion of the matter, for Grant stood with Congress in its policy of reconstruction. For over two years, the relations between Congress and the President had been strained. He was an irritable and irritating man, and in 1867 committed the blunder of making a tour of the country, during which, in violent speeches, he publicly attacked Congress. When, therefore, he appointed General Thomas to succeed Grant as Secretary of War, he seemed, to Congress, to have committed such "high crimes and misdemeanors" as warranted his impeachment. The impeachment trial began in the Senate March 5, and ended May 26, 1868. The articles of impeachment were eleven. A test vote on the eleventh article, on the President's speeches against Congress, stood thirty-five to nineteen. The court of impeachment adjourned and the trial was dropped. The President had been impeached, but not convicted.

While the impeachment of the President was drawing

to a close, the Republicans met in convention at Chicago, and nominated General Grant, of Illinois, for President, and Schuyler Colfax, of Indiana, for Vice-President. The principles of the platform were equal suffrage to all loyal citizens, the payment of the public debt "according to the spirit of the laws under which it was contracted," the rights of expatriation, as against the old maxim, "Once an Englishman, always an Englishman," the care of the widows and orphans of the soldiers and sailors who died in the war, and the encouragement of foreign immigration.

The Democratic convention met in New York in July, and nominated Horatio Seymour, governor of New York, and Francis P. Blair, Jr., of Missouri. The platform demanded the restoration of all the states to their rights in the Union; amnesty for past political offenses; the regulation of the elective franchise by the states themselves; the repeal of all reconstruction acts of Congress "as usurpations and unconstitutional," the taxation of government bonds and other public securities, and finally, "One currency for the government and the people, the laborer and the office-holder, the pensioner and the soldier, the producer and the bond-holder."

Nebraska, the thirty-seventh state, had been admitted March 1, 1867. Thirty-four states voted. Grant and Colfax received 214 electoral votes and 3,015,071 popular votes; Seymour and Blair, 2,709,613 popular and 80 electoral votes. Virginia, Mississippi, and Texas did not vote. Grant was inaugurated March 4, 1869.

Disturbances of a terrible character now broke out in various parts of the South. Reconstruction, as carried on there by Congress, rigidly excluded from any share in the government of the South every man who had borne a conspicuous part in the late Confederacy. This practically excluded every intelligent white man and turned the control of affairs over to the negroes. In South Carolina and Mississippi they outnumbered the whites; in North Carolina and Alabama they were about equal in number with them. Many northern men remained south after the war, and went into politics; many went there then for that purpose. These proclaimed themselves the friends of the

negroes, and organized them into a political following. The effect was "negro rule" and "carpet bag rule." All over the South this was not only resented, but was attacked with violence. The whites of the South organized secret societies, known by various names, as "The Invisible Empire," "The Caucasians," "The Ku-Klux-Klan," "The Knights of the White Camellia," which attempted to do by violence what they were prevented from doing by law; that is, to control the negroes by a reign of terror. This period, which in many of its terrible details surpassed the darkest ages of history, lasted about seven years.

Congress discovered that the Fourteenth Amendment did not go far enough. The negro must be secure in the right to vote. Therefore, the Fifteenth Amendment, passed by Congress February 27, 1869, was submitted to the states, was ratified, and duly proclaimed March 30, 1870. In carrying this amendment into effect, Congress passed several acts designed to suppress lawless organizations in the South. But these were difficult to reach. Before they were broken up, thousands of men, white and black, lost their lives by violence. Southern men believed that the negro was not fit to become a voter. For two centuries and a half he had been a slave in America, and for untold ages had been a slave in Europe, Asia, and Africa. That suddenly he should be made a voter and a lawmaker seemed intolerable to his former masters. Northern men believed that negro suffrage would solve the race problem. If the negro voted, he would be respected. The race war in the South was the result.

One of the great problems left by the war was the management and payment of the national debt. On the 1st of July, 1866, the national debt was \$2,773,000,000, of which \$1,121,000,000 was in bonds, and the remainder in treasury notes, fractional currency, and national bank notes. The debt, in brief, was in national bonds and in "paper money." The bonds bore from five to seven per cent interest. The great question was, how to reduce the debt and get back to specie payments, as paper money had quite driven coin from circulation.

In 1863, Congress created the national banking system,

practically under the care of the Comptroller of the Currency. He should authorize the establishment of national banks, each of which should be subject to his inspection. The purpose of these banks was to make a market for United States bonds, by requiring the banks to buy them at least to the amount of one-third of their capital; to create a national currency by empowering the banks to issue notes up to ninety per cent of their government bonds, and to enlist the capital of the country on the side of the government, by identifying the prosperity of the banks with that of the government.

The state banks were allowed to continue, but a tax of ten per cent was laid on their issues; so they ceased to be banks of issue and many became national banks.

The whole question of our public finance became a party question soon after the war, and continues so to this day. The United States bonds outstanding down to 1872 bore a high rate of interest. If they could be exchanged for bonds at a lower rate, millions of dollars in interest would be saved to the people. By the close of 1872, these bonds had been paid to the amount of over five hundred million dollars. The government also reduced the amount of treasury notes nearly one billion dollars by the time Grant was inaugurated. But this was done by actually destroying the notes, at the Treasury Department, as they came in. The effect was to take one billion dollars out of circulation. A great protest went up, especially from the West, and Congress ordered that three hundred and fifty-six million dollars in treasury notes should be left in circulation.

Many plans of currency reform were now agitated. The credit of the United States was high. Its bonds were at a premium, and many were held in Europe as investments. Their interest was payable in coin. The law did not say in what the principal should be paid. Why not pay them in treasury notes? This would pay the principal and stop all interest. Congress, fearing that payment of the principal of the bonds in treasury notes would injure the credit of the country, passed an act in March, 1863, declaring that the principal, as well as the interest, should be paid in coin. During the war, gold was at a premium. On the

1st of July, 1864, it took two dollars and forty-five cents in paper money to buy one dollar in gold. In 1868, the price fell to one dollar and thirty-five cents. United States bonds were not taxed and their interest was paid in gold. Vast quantities of these bonds were held by national banks, corporations, and individuals. The Democratic party, in 1868, had demanded that the banks be taxed. Demands were made, toward the close of Grant's term, that the national banks be abolished and that treasury notes be made money and a legal tender for all debts.

In 1871, a new treaty with England was signed. The question arose, What of the losses to American commerce caused by the depredations by the Confederate cruisers, the *Alabama*, the *Florida*, the *Shenandoah*, the *Tallahassee*, and others, built in England, largely manned by English sailors, and at times, to decoy our ships, carrying the English flag? It was agreed to leave this question to arbitration. Several other highly important questions were pending between the two countries—as the Northwest boundary, the conditions of trade between the United States and Canada, and the fisheries. It was decided at Washington, in May, 1871, by a joint commission appointed by the two countries, that a tribunal of arbitration of five members should be appointed, one by England, one by the United States, and one each by the king of Italy, the president of Switzerland, and the emperor of Brazil. On the 15th of December, 1871, the tribunal met in Geneva, Switzerland. The United States representative was Charles Francis Adams, our minister to England during the war, and he had the assistance of three eminent lawyers, Caleb Cushing, William M. Evarts, and Morrison R. Waite, afterward chief justice of the United States. The tribunal awarded fifteen million five hundred thousand dollars to the United States for damages received. Great as was the award, the adoption of arbitration in settling international disputes was far greater. The adoption of the principle was one of the great acts of Grant's administration.

Differing opinions of reconstruction and of the currency caused a reorganization of parties in 1872. Agitation of the labor question and of prohibition interested many

people, and these organized political parties. In February, the Labor Reform party met in convention at Columbus, Ohio, and nominated David Davis, of Illinois, and Joel Parker, of New Jersey. These declined the nomination, and the party later indorsed Charles O'Connor and John Quincy Adams, grandson of the President of that name. But the platform of the new party showed that a new set of issues had come up. The labor question was now before the country. The platform demanded that the government should provide "a purely national circulating medium based on the faith and resources of the nation, issued directly to the people without intervention of any system of banking corporations, which money shall be a legal tender in the payment of all debts"; that the public lands should be granted only in amounts of not more than one hundred and sixty acres to each settler. The tariff revenue should be derived mainly from articles of luxury. Chinese labor should be excluded. Contract labor in prisons and reformatories should be abolished. The civil service should be reformed, and a policy of general amnesty toward the South should be provided by the United States.

At the same time the Prohibition party held a convention in Columbus, and nominated James Black, of Pennsylvania, and John Russell, of Michigan. In addition to a demand for the prohibition of the manufacture and sale of intoxicating liquors, the party advocated cheap postage and cheaper railroad, steamboat, and telegraph rates than prevailed; the extension of the suffrage to women, and encouragement to foreign immigration.

In May, the Liberal Republicans, who disapproved of much in General Grant's administration, and favored a more liberal policy toward the South, met in Convention, in Cincinnati, and nominated Horace Greeley, of New York, and B. Gratz Brown, of Missouri. A strong Liberal Republican movement had been winning votes in state elections in Iowa, Kansas, Missouri, Illinois, Ohio, New Jersey, New York, and Massachusetts, so that the leaders, as is usual in splits of this kind, thought a national ticket should be put in the field. The party stood for universal amnesty, civil

service reform, a return to specie payments, and the cessation of grants of land to railroads.

In June, at Baltimore, the Democratic party indorsed Greeley and Brown, and the Liberal Republican platform. But a split occurred in the convention, which refused to support the ticket. A convention at Louisville, Kentucky, which claimed to represent the "straight-out Democrats, named Charles O'Connor, of New York, and John Quincy Adams, of Massachusetts, but these declined the nomination.

The Republicans met at Philadelphia in June, renominated Grant, and named Henry Wilson, of Massachusetts, for Vice-President. The platform approved the general policy of the preceding eleven years, and advocated the speedy resumption of specie payments, the encouragement and restoration of American commerce and ship-building; cheaper postage, and the maintenance of pensions for all soldiers and sailors disabled while on duty during the war.

Here was a variety of platforms, indicating, in the aggregate, the public issues of the times. They show that the war issues were past, and that new questions, chiefly of an industrial nature, had sprung up.

Grant and Wilson received 286 electoral votes and 3,597,070 popular votes; Greeley and Brown received 2,834,079 popular votes, but before the electoral vote was counted, Greeley died. The electoral vote was much scattered. Thomas A. Hendricks, of Indiana, received 42 votes. The Prohibition vote was 5,608; the Labor party vote, 29,489. The freedman voted for the first time for a President. For the first time since 1860 all the states, now numbering thirty-seven, voted. Grant was inaugurated for the second time, March 4, 1873.

Hardly had the second administration of Grant begun before signs of a financial crash, all over the country, appeared. For ten years people had been extending the credit system further and further. Imports exceeded exports in 1872 by more than sixty-three million dollars, and the balance of trade against this country had to be paid in gold. Nearly every town in the Union was in debt, having issued bonds to assist in railroad construction, or

in manufactures, or in costly improvements. From 1868 to 1873, over five billion dollars were expended in railroad construction. The West was constantly demanding capital, and vast enterprises in mining, manufacturing, and building promised large profits. The export of gold steadily continued. Greenbacks were hoarded.

The government sought to relieve the contraction by selling bonds, but this tended to increase public alarm. A general panic prevailed, and culminated September 20, when for ten days the New York clearing-house suspended. The bonds of the United States fell but little, but railroad securities fell from ten to forty per cent. Everybody was involved in the general depression and loss. Failures were reported everywhere. There were over five thousand in 1873. "Hard times," like those of 1837, had come again, and largely for the same reasons—speculation, the abuse of credit, and extravagant living.

To help check the panic, the government issued twenty-six million dollars in greenbacks, so that the total amount of treasury notes in circulation July 1, 1874, was three hundred and eighty-two million dollars. A cry went up for more greenbacks. If Congress would only issue, say, twenty million dollars more, the panic would be stayed and "good times" would return. In April, Congress passed the "inflation bill," increasing the issue to four hundred million dollars, but Grant vetoed it. He thought that there was enough paper money in circulation, and that more would weaken the credit of the country. Many now consider this his greatest act as President. But the veto did not settle the currency question. The public debt, July 1, 1874, was two billion two hundred and fifty million dollars.

On the 14th of January, 1875, Congress passed the bill for the resumption of specie payments. The United States would coin silver coin of the denominations of ten, twenty-five and fifty cents, and issue them to redeem all the fractional paper scrip of the same denominations. The exchange should be made at its mints, at the post-offices, and at the public depositaries of the country. Gold bullion should henceforth be coined free of charge. United States

notes in excess of three hundred million dollars should be redeemed. The national banks were authorized to increase their circulation and for every one hundred dollars in national bank notes they put out, the Secretary of the Treasury called in and destroyed eighty dollars in treasury notes, and after January 1, 1879, the Secretary should redeem all treasury notes in coin, on demand.

As soon as this act passed—and many people were already beginning to believe that a treasury note was as good as a gold dollar—the value of the notes steadily rose, and the price of gold as steadily fell.

Currency, labor, the civil service, and “reforms” of various kinds were the issues in 1876. The Prohibitionists met in Cleveland in May, nominated Green C. Smith, of Kentucky, and G. T. Stewart, of Ohio. In addition to their demand for legislation forbidding the manufacture and sale of liquors, they demanded the suppression of lotteries, and the denial of the use of the mails by lottery and gambling concerns; the abolition of polygamy; compulsory school laws; the free use of the Bible in the schools; the settlement of international disputes by arbitration, and the direct and exclusive issue by the government of paper money as good as gold.

On the same day, the Greenback party met at Indianapolis, and nominated Peter Cooper, of New York, and Samuel F. Cary, of Ohio, on a platform demanding the repeal of the resumption act of January 14, 1875, and the direct issue by the government of United States notes, convertible on demand into United States securities, bearing interest not exceeding one cent a day on each one hundred dollars and a legal tender for all debts. No more gold bonds should be issued for foreign markets, but all bonds should be offered directly to the American people at not more than 3.65 per cent a year.

The Republicans assembled in Cincinnati in June, and proclaimed in their platform that the United States is a nation, not a league of states. Specie should be resumed according to the act of 1875. No school funds should be applied for the benefit of sectarian schools. Polygamy should be extirpated, and civil service reform should be

promoted. They nominated Rutherford B. Hayes, of Ohio, and William A. Wheeler, of New York.

In June, at St. Louis, Samuel J. Tilden, of New York, and Thomas A. Hendricks, of Indiana, were nominated by the Democratic party. The platform was a vigorous demand for "reform" in every branch of the government, and especially in expenditures, in national administration in the South, in the tariff, in taxation, and in the "profligate waste of the public lands."

The Union now consisted of thirty-eight states, by the admission of Colorado, August 1, 1876. This increased the electoral vote to 369. The result was doubtful in Oregon, Louisiana, Florida, and South Carolina. If these were Democratic, Tilden and Hendricks would be elected, receiving 185 votes; if they were Republican, Hayes and Wheeler would receive 185 votes. In either case, the defeated candidates would fail by only one vote. In each of the doubtful states there were two sets of returns, one for Tilden and Hendricks, one for Hayes and Wheeler. Which set should be counted? Never had such a case occurred before. Congress must decide. Instead of itself voting on the returns, Congress appointed a commission to decide which set of returns should be counted. It consisted of five Senators, five Representatives, and five justices of the Supreme Court, as follows:

| | Republicans. | Democrats. |
|--|--------------|------------|
| Five Senators, chosen by the Senate..... | 3 | 2 |
| Five Representatives, chosen by the House.. | 2 | 3 |
| Four justices, chosen by Congress..... | 2 | 2 |
| One justice, chosen by the four justices already selected..... | 1 | -- |
| | <hr/> | <hr/> |
| Thus the commission stood..... | 8 | 7 |

Its decision was to be final unless reversed by consent of both branches of Congress. It found the disputed returns to be for Hayes and Wheeler, and both branches of Congress would not consent to reverse this decision. When the electoral votes were counted by Congress, March 2, 1877, Hayes and Wheeler were declared to have 185, Tilden and Hendricks, 184. The popular vote stood, for Tilden and Hendricks, 4,284,757; for Hayes and Wheeler,

4,033,950. Peter Cooper received 81,740, and Green C. Smith, 9,522. The Senate was Republican, the House Democratic. Great excitement prevailed all over the country. Probably in any other, civil war would have broken out. The 4th of March fell on Sunday. The new President took the oath, privately at the White House, on the 4th, in the presence of General Grant and Hamilton Fish, Secretary of State. On the 5th he took it again, at the public inauguration. It was administered by the chief justice of the Supreme Court, Morrison R. Waite.

CHAPTER XXXV

THE STATES AFTER THE CIVIL WAR

1865-1900

The eighteenth-century state constitutions, and those made down to the opening of the war, were mostly silent concerning the relation of the states to the national government. This silence was broken after 1860. All the southern constitutions, formed during reconstruction times, and later, have acknowledged the paramount authority of the national government and the paramount allegiance of every citizen to it.* The right to secede, which never was claimed under a state constitution, was now distinctly disclaimed by those of the South, and the common language employed was that the state should "ever remain a member of the American Union."

The ordinances of secession were repudiated, and all debts and liabilities incurred in aid of the rebellion were declared void. During the war, the legislatures of the insurrectionary states assembled under their existing constitutions, which by amendment were made to recognize the authority of the Southern Confederacy. They enacted many laws, of which all that were solely to promote the good order and well-being of society, and which were made by a lawfully organized government, were later deemed valid,† and were recognized in the southern constitutions adopted in 1865 and 1868. The restoration constitutions of 1865-66 excluded the African race from the basis of representation, and largely for that reason were rejected by Congress. Those adopted in 1867 and 1868, the reconstruction constitutions, included the negroes in the basis of representation, recognized them as citizens, and gave them

* There is one exception, the South Carolina constitution of 1895.

† *Reynolds vs. Taylor*, 43 Alabama, 420; *Wallace vs. The State*, 33 Texas, 445.

the right to vote and to hold office. These constitutions uniformly excluded from office all persons who were excluded by the reconstruction acts, and their administrative provisions reflected the spirit and purpose of those acts.

The provisions common to the bills of rights adopted in the eighteenth century, and down to 1860, were repeated in the constitutions adopted later. There were, however, some new and highly significant clauses added. Maryland, in the eighteenth century, had pronounced against monopolies, and by 1870 seven states had followed her lead.* Religious tests for office were uniformly forbidden, and a liberal provision was made for the administration of oaths in such manner as would be most binding upon the conscience. Religious freedom was everywhere emphasized. An apprehension that gifts for religious purposes might endanger the state led Missouri to require the prior consent of the legislature. Appropriations of public money for sectarian purposes were forbidden. Aliens were freely declared capable of enjoying the property rights of natives, but the privilege was not granted on the Pacific coast to Chinamen. Slavery was prohibited and the equal rights of the colored race carefully defined.

Some provisions of a new type were introduced into the bills of rights, forbidding, or restricting, the sale of intoxicating liquors,† regulating public health and quarantine, and protecting the interests of new industrial groups, such as minors and married women, the latter, after 1850, being by law gradually suffered to exercise the rights of property as single women. The rapid settlement of the West led to the insertion of a provision protecting the homestead and exempting it from all claims of debt, the ostensible purpose being the protection of the widows and children. Exemption laws had run a course of great popularity throughout the western states, and their substance was incorporated in the constitutions of most of them. Not infrequently the amount of exemption was explicitly stated in the constitution.

* Nevada, California, Illinois, North Carolina, Vermont, Tennessee and Texas.

† Michigan, Texas, and West Virginia.

The three functions of government familiar to our earlier constitutions were now increased by the gradual recognition of a fourth, the administrative, which in some of the constitutions of the northwestern states, admitted in 1889 and 1890, was elaborated into an article.

The great change in the basis of representation was the obliteration of all discrimination against the black race; and applied equally North and South. The single-district system, introduced by Michigan in 1850, was received with widespread approval, and in consequence the problem of the apportionment of representation was simplified more satisfactorily than in earlier times. The means of its solution were improved by the uniform provision for a state census, which usually occurred five years after the census taken by the United States.*

The qualifications for membership in the lower house were less restrictive than in earlier times. The candidate was required to be an elector, which signified that he was a citizen of the United States, and of the state in which he resided. The qualification of age remained unchanged. A longer period of residence, which was usually from five to seven years, instead of one or two, and greater age, as twenty-five or thirty years, instead of twenty-one, were required of the candidate for the upper house. Long before the war, the people realized the evils of over-legislation, and began to check them by changing the sessions of the legislature from annual to biennial. The change was effected everywhere in the country, except in New England, and before the century closed the usual term of a member of the lower house was two years, and of the upper, four. The annual salaries of senators and members of the house were usually the same.

A further effort of the people to prevent legislative evils was the gradual adoption of a time limit for the regular sessions. This was effected by an explicit enumeration of the number of days beyond which the legislature should receive no pay for its services, and a similar limitation was prescribed for extra sessions. In most of the states the colonial term "general assembly" continued to be the

*I. e., 1865, 1875, 1885, etc.

official designation of the state legislature as a bicameral body. With a more perfect system of apportionment, the people gradually limited the membership of each house. The ratio of the house and of the senate was usually two or three to one. Few state senates consisted of more than fifty members, and the usual number was about thirty-five. The principle regulating the membership was the same as that followed by Congress, namely, to secure a working legislative body, neither too large nor too small.

A state, in its first constitution, usually prescribes the number of members for each house, but leaves the later membership to be regulated by population. In no state was the pay of members great. It seldom exceeded three dollars a day, and in some states was limited to from one hundred to five hundred dollars for the session. Extra sessions were discouraged, and substantially, by the provision that the pay of members should be only one-half as great as at regular sessions. Mileage was usually fixed by law, and rarely exceeded ten cents per mile.

The article on the legislative department was the first to become long and elaborate. This was due to the incorporation of the substance of many laws, and of rules of the two houses; thus, the clauses against bribery were taken from the statutes on the subject, and the rules of procedure from the house and senate manuals. All the constitutions in their legislative provisions reflected the national instrument, and new states commonly used its language. The provision against special legislation, and for the purpose of compelling the general assembly to enact laws, multiplied on every hand. The war on special legislation raged all through the last forty years of the century, and culminated in a multitude of provisions on the subject in the constitutions adopted in the Northwest in 1889 and 1890. The purpose was obvious; to safeguard the state treasury, to secure uniform and general legislation, and to avoid the costly confusion into which the states, during their earlier history, had been thrown by the enactment of innumerable private acts and special laws. A further means of safety forbade the introduction of bills into either house during the last few days of the session.

The multiplication of laws became so great that in both old and new states there was a movement to provide for their codification, in which the state of New York, under the influence of David Dudley Field, took the lead. The obligations imposed upon the legislatures were like those imposed between 1830 and 1850, namely, to found and maintain systems of education free for all persons of school age, and to establish a sinking fund.

At the same time that the people were putting restrictions upon the legislature, they vested larger powers in the executive. The distrust of governors, characteristic of colonial times, quite passed away. The executive was given a longer term, a higher salary, and larger powers. The principal reform consisted in vesting him with authority to veto any item in an appropriation bill; a typical provision on each subject was made by Pennsylvania in 1873. Usually the governor's salary was fixed by law, but some states prescribed the amount in the constitution. With few exceptions, governors were inaugurated in January. The people guarded themselves against executive usurpation by continuing the reform established in the eighteenth-century constitutions, that the governor should not be eligible a second time, or, if re-eligible, not until a period of three or four years had elapsed. Almost without exception the governor was required to be a citizen of the United States and to possess the qualifications of an elector; but some states, notably Maine and Louisiana, required him to be a native-born citizen.

The unparalleled progress of the country in material wealth and industrial enterprises led to much legislation of an administrative type, and compelled at least an attempt at an adequate administrative service. In consequence a vast body of office-holders was called into existence, and the tendency was to give their appointment to the governor, subject to the approval of the senate; thus the executive became a mighty man in the state, and not infrequently an essential part of the political machine.

A change, supposed by its advocates to be a reform, was introduced affecting the pardoning power. The public soon learned that governors were the creatures of politics,

and for this reason took away from them much of their power of appointment and of pardoning offenders. The first resulted in the substitution of the elective for the appointive system, and the second in the organization of boards of pardon. It may well be questioned whether these boards have not done far more evil than good. In too many cases they have proved to be a premium on crime. Whatever the criminal's offense, he is encouraged to look forward to many avenues of escape. The jury may disagree; the judge may falter; and last, but not least of all, the board of pardons may take favorable action. But the exercise of the pardoning power, which at best is very difficult to place, remains in some states with the governor, who may be a great politician; and in others with a board of pardons which, by reason of its plurality, is a more or less irresponsible body; meanwhile crime increases.

The great change in the judiciary was from the appointive to the elective system. It was discussed many years before it was effected, but after 1876 the elective system may be said to have been popularly recognized to be the only one in harmony with the democratic idea. The number of courts was greatly increased incident to the necessities of the people. The old English *nisi prius* system quite disappeared. Every state was subdivided into judicial districts, many of which, as time went on and business increased, were again subdivided. The adoption of the elective system resulted in short terms and frequent changes on the bench. The twenty-one-year term for Supreme Court judges in Pennsylvania amounted practically to a life tenure, but excepting in New York, in which the term was fourteen years, the Pennsylvania model was not followed. The usual term for a justice of the Supreme Court was seven years. Judicial salaries were small, and together with the short term greatly affected the character of the state judiciary. Undoubtedly the conserving influence of the federal judicial system tended to keep up the character of the state judiciary. Had it been possible to abolish the life tenure of the national judges, it would have been done early in our history; indeed, as early as Jefferson's first term. The qualifications of judges were usually ample to secure useful

men. In most states a candidate for the bench was required to be learned in law, and to have practiced his profession for a number of years. Men rarely were elected before they reached middle life, though the legal age was seldom less than thirty years. The qualifications of citizenship and residence were usually the same as for state senators or governors.

The change from the appointive to the elective system included the entire machinery of the courts; thus the attorney-general, the prosecuting attorney, the clerk, and the minor officers about the court-house were elected by the people. The change also included most of the administrative officers of the state, such as its secretary, its auditors, its treasurer, and the members of its important commissions.

Until 1868, the state elections usually occurred in November, on the day on which members of Congress and presidential electors were chosen. But the people soon discovered, as they thought, that many evils followed this synchronism. A reform was introduced by which, as the constitutions and laws provided, local elections were made to occur on a different day, so that municipal and county interest might not be ignored in the excitement of a national campaign. This reform was exemplified in the provisions on the subject in the constitution of New York of 1894.

In 1790, less than one-thirtieth of the population lived in cities; in 1860, it was one-sixth; but in 1900, one-third of the whole, that is nearly twenty-five millions of people, lived in cities of eight thousand people and more. This astonishing change in residence affected the laws and constitutions of the states, as seen, after 1870, in the attempt to balance urban and rural interests; but the result in New York and Pennsylvania was a discrimination in representation in favor of the rural districts.

The rapid increase in urban population outran all provisions for municipal government such as were familiar to the people in the middle of the century. In consequence the problem of city government became one of the most difficult before the people, and the century approached its close with the problem imperfectly solved. Very little was

said in the state constitutions touching city government. Although, after 1860, the states old and new adopted fifty-four constitutions, it is doubtful whether in the aggregate as many lines can be found in them respecting city government. The whole subject was left to the legislatures, which it was expected would confer suitable charters for the government of cities. These charters usually were little constitutions modeled after the state or national type, creating a municipal executive, legislative, judicial, and administrative, and putting the control of city affairs into the hands of the majority of the voters. After 1870, the constitutions quite uniformly required the registration of voters, and, more carefully than before, provided for their protection.

A foreigner, taking up a collection of the constitutions in force in 1860, and another collection of those in force in 1900, would doubtless pronounce that the principal differences between them were to be found in the provisions on public education. This difference he would find conspicuous in the constitutions of the western states. At the time of their admission into the Union they were all presented with grants of land equal, in every instance, to one-sixteenth of the area of the state, and in many instances an additional grant of one-thirty-sixth of its area was made for particular educational purposes. The imperial domain thus given by Congress for the support of education has been nearly as great as the entire area of the original thirteen states. In the state of Washington alone, admitted in 1889, the grant of land for school purposes, computed at the value of ten dollars per acre, amounted to more than one hundred and thirty million dollars. The gift of so vast a treasure necessarily compelled some adequate provision for its care, and the western states in response provided in their constitutions for most liberal educational privileges, free to all persons of school age, and graded from the primary school to the state university. Never before in the history of the world was so munificent a provision made for public education. The older states were included in the gift by an apportionment of land scrip which they converted into school funds. The constitution and laws of Michigan are,

perhaps, the best type of the attempt which the people have made to utilize their educational privileges. The provision for schools was accompanied, in many states, by others for free public libraries.

Another striking difference which an observing person would note in constitutions formed before and after the war is the generous provisions in the later instruments for charitable institutions of all kinds founded and maintained at public expense. These increased to so great a number that, it may be said, the criminal and unfortunate classes were in many instances better cared for than any other members of the community.

The reform inaugurated by New York, in 1846, by which corporations were brought within the control of the legislature, for the purpose of securing the public against loss, began a new era. It at first took the form of hostility to irresponsible state banks and private banking concerns, and was quickly reflected in the constitutions and laws. But after the establishment of the national banking system, in 1863, and particularly after the decisions in the legal-tender cases, culminating twenty years later, fewer provisions were introduced into the constitutions and fewer laws were passed respecting state banks. The reform took a new and wider range in an article in the constitutions not infrequently entitled "corporations other than municipal." In the western states public sentiment was hostile to such corporations, as was exemplified in the constitutions of the northwestern states admitted after 1889. One might conclude from a perusal of them, that these states were in the grasp of powerful monopoly from which each was struggling to get free. Public carriers, insurance companies, and industrial corporations were the special objects of attack. The feeling of the people toward monopolies was shown in the constitution of Wyoming of 1889, whose bill of rights declares that "perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed"; and that "corporations are the creatures of the state, endowed for public good with a portion of its sovereign powers, and must, therefore, be subject to its control." Nor was the laboring-man forgotten. This same constitution un-

doubtedly reflected widespread public opinion at the time in declaring that "the rights of labor shall have just protection through laws calculated to secure to the laborer a proper reward for his services and to promote the industrial welfare of the state." The industrial unrest at the close of the century dictated these provisions, which undoubtedly are only a sign of the future.

The states which had formed the Southern Confederacy were subject more or less to the military power of the national government from 1865 till 1877 when the federal troops were withdrawn from them. During these twelve years the control of their public affairs was chiefly in the hands of negroes and a few whites, of which latter class many had migrated to the South from the North after the war. The period was one of incessant conflict between the intelligent white men who were natives of the South and the other two classes. Gradually the control of public affairs came again into the hands of southern white men, who, as soon as the federal troops were removed, proceeded to reorganize the state governments under new constitutions. These were framed in accordance with the letter of the national Constitution, and were administered by whites with the avowed purpose of retaining the control of public affairs in their own hands. They believed that the negro had been thrust into the privileges of the elector and officeholder too soon, either for his own or the public welfare. But in several states, especially in the black belt, the negroes far outnumbered the whites, and if well organized, might easily have controlled state and local government. After exhausting every apparently practicable means, many of which were questionable, for retaining the control of the government, the better class of whites united in amending the constitution and laws in Mississippi, South Carolina, and Louisiana so as to secure the results for which they had so long been struggling.

The Mississippi convention of 1890 framed and promulgated a constitution on the 1st of November of that year.*

*See the journal of its proceedings, August 12-November 1, 1890, Jackson, Mississippi; its debates were reported in the *Clarion-Ledger*, published at Jackson.

It denied the right of the state to withdraw from the federal Union for any reason, and declared that the paramount allegiance of its citizens was due to the United States. It forbade slavery, and also religious tests for offices. This recognition of the changes wrought during the preceding thirty years was made while yet the President of the Southern Confederacy, Jefferson Davis, the most distinguished resident and native of Mississippi, was living.

The great question before the convention was the suffrage, and especially negro suffrage. It was openly acknowledged that the terrorization so long practiced by the white upon the black race, to exclude it from the polls, had failed.* As a solution of a difficult problem, an article on the franchise was adopted which began a new era at the South. It gave the right to vote to male inhabitants of the state who paid taxes, who were lawfully registered, but after the 1st of January, 1892, to those electors only who had paid a poll-tax, and who were able to read any section of the state constitution, or who should be able "to understand the same when read to him, or give a reasonable interpretation thereof." The provision threw the control of the elections into the hands of the election officers, and thus into the hands of a political party.

A test of the constitutionality of the qualifications was soon made.† It was claimed that the changes made by the constitution in the basis of the suffrage violated the act of Congress of 1870, by which the state had been readmitted into the Union, and further, that the constitutional convention had no power to promulgate the instrument. The Supreme Court of the state rejected both propositions as unsound. It held that the constitutional convention was a sovereign body, possessing powers especially delegated to it by the whole electoral body of the commonwealth; therefore, the claim that the constitution was of no effect because it had not been ratified by popular vote could not be sustained. The second claim was dismissed as having no foundation. The new constitution, as administered by

*See remarks of Judge Calhoun, *Clarion-Ledger*, Aug. 12 and Nov. 1, 1890.

†Sproule vs. Fredericks, 69 Mississippi, 898 (1892).

white men, practically put the whole body of negro voters at their control and insured the state against that which its white people most seriously feared, negro domination.

The discovery of a method of dealing with the negro made by the people of Mississippi, was speedily utilized by South Carolina. On the 10th of September, 1895, a convention assembled at Columbia, and adopted a new constitution.* The temporary chairman in calling the convention to order gave a brief history of public affairs in the state. The constitution of 1865, he said, had been made without authority; the convention which formed it having been no more than a mass-meeting of citizens. The convention of 1868, he said, "was the fruit of the notoriously unconstitutional reconstruction acts. Aliens, negroes, and native whites without character, all enemies of South Carolina, had made the constitution which was then adopted." It was designed, he said, "to degrade the state, insult its people, and overturn its civilization."† For seventeen years the state had lived voluntarily under that instrument after the white race had acquired full control of every department of its government. The time had at last come when a new constitution, the work of the state, was to be adopted. The only valid constitution which the state had ever had, he continued, was that of 1790, which should be made the basis of the new work. The instrument which the convention ratified on the 4th of December, 1895, contained no recognition of the paramount authority of the national government or of the allegiance to it of citizens of the state.

An elaborate article on the right of suffrage made clear the main purpose in calling the convention. The elector was required to have resided two years in the state and to be registered. Up to the 1st of January, 1898, all male persons of voting age, applying for registration, who could read any section in the constitution submitted to them by the registration officer, or understand and explain it when read to them by him, should be entitled to register and

* See its Journal, September 10-December 4, 1895; its debates were reported in the *Charleston News and Courier*.

† Journal, S. C. Constitutional Convention, 1895, p. 2.

become electors. Any person who applied for registration after that date, if otherwise qualified, should be registered, provided he could both read and write any section of the constitution submitted to him by the registration officer, or could show that he owned and had paid taxes, collectible during the previous year, on property in the state, assessed at no less than three hundred dollars. The possession of an election certificate would be proof of the possession of these qualifications. It was believed that the article on the franchise, administered at it would be by white men, would exclude from the polls a large portion of the worst element among the negroes, and practically give the whites the control of the state.

Louisiana was in much the same condition as Mississippi and South Carolina, and to make white supremacy permanent, a new constitution was adopted in 1898.* The South Carolina article on the franchise was favorably considered, but was thought not to go far enough, and a more rigorous article was adopted. No equally elaborate provision can be found in any other American constitution. The voter was required to be a male citizen of the state and of the United States, and a resident of Louisiana at least two years. He must be legally enrolled as a registered voter on his personal application. He must be able to read and write, and demonstrate his ability to do so when he applied for registration, and his application must be written either in the English language or in his mother tongue. If unable to read or write, he should be entitled to register and vote if he was the *bona-fide* owner of property assessed at a value of not less than three hundred dollars, on which all taxes had been paid.

No male person who, on or before January, 1867, was entitled to vote, and no son or grandson of such person not less than twenty-one years of age at the time of the adoption of the constitution; and no person of foreign birth who had been naturalized before the first of January, 1898, should be denied the right to register and vote because of his failure to possess the education or property qualifica-

* See the Journal of the convention held at New Orleans, February 8-May 12, 1898; the debates were reported in the *Daily Picayune*.

tions. A complicated system of registration was adopted. In addition to the above qualifications, no person less than sixty years of age should be permitted to vote unless he had paid a poll-tax of one dollar a year, to be used exclusively in aid of public schools in the parish in which the tax was collected.

Before being allowed to vote, every elector must exhibit his poll-tax receipts for two years to the commissioner of election. Any person who should pay the poll-tax of another, or advance him money for the purpose in order to influence his vote, was declared guilty of bribery, and could be punished accordingly.

Unless a person was a registered voter, he could not vote at any primary or in a convention or political assembly held for the purpose of nominating a candidate for public office. In the political convention the apportionment of representation should be on the basis of population. The very technical character of the article and its many restrictions, it was believed, would practically exclude a large portion of the negroes who hitherto had been allowed to vote.

Meanwhile, an agitation for a like reform was begun in Maryland, North Carolina,* Alabama, Georgia, and Florida. The movement toward excluding negro citizens from the polls was based on the convictions of southern white men that unless restrictions of this kind or even more exacting were adopted, the control of public affairs in a large portion of the South would pass permanently into the hands of the negro race, which at the close of the century numbered nearly eleven millions in this portion of the Union.

The extension of the elective suffrage to the former slave was the most striking change made in the civil affairs of the American people during the century. At its opening many white men were excluded from voting because of their

*In 1896 the legislature of North Carolina submitted to its people a constitutional amendment similar to the Louisiana electoral provision. See a discussion of it in the United States Senate by John D. Morgan, Senator from Alabama, January 8, 1900 (Congressional Record, 713-718), and by Senator Pritchard, of North Carolina, post. Senator Morgan advanced the principal reasons for denying the negro the right to vote in the South.

poverty or religious opinions. The effort of the people of Mississippi, South Carolina, and Louisiana to return to a limited suffrage was not the only one of its kind made by the American people toward the close of the century. The motive at the South was ostensibly to keep the control of public affairs in the hands of the intelligent whites. The motive in Colorado, 1876; Texas, 1879; Rhode Island, 1888, and Utah, 1896, was to exclude from the polls all persons who were not taxpayers, when the issue was an increase of the public debt. In Rhode Island and Texas, the limitation applied to municipal elections, but Utah carried the limitation much further and gave the right to vote only to taxpayers, when an increase of indebtedness or the creation of a debt was the issue. A more detailed comparison of the constitutions and laws of the states made after 1860 with those made before would show that the later instruments are more liberal and humane in character.



CHAPTER XXXVI

INDUSTRIAL AND TERRITORIAL EXPANSION

1876-1900

At Philadelphia, on the 10th of May, 1876, the people of the United States celebrated the one hundredth year of their independence by opening an industrial exhibition, at which various interests of the nations of the earth were represented. It was an international festival of the best type. America entered upon her second century united and strengthened. The exhibition displayed the resources of our country, North, South, East, and West.

President Hayes withdrew the national troops from Louisiana and South Carolina, and appointed as his Postmaster-General an ex-Confederate officer. These things emphasized the fact that the national government wished to treat all sections of the Union alike and as its integral parts. The withdrawal of the troops from South Carolina and Louisiana meant the President recognized the Democratic governor and legislature in each state as the lawful ones instead of the Republican claimants.

The various party platforms in 1876 show that there was much diversity of opinion in the country regarding the currency. The laws in force in 1878 made all bonds, both principal and interest, and all treasury notes after January 1, 1879, payable "in coin," and by coin many claimed gold only was meant. In February, 1873, an act was passed stopping the further coinage of silver dollars. Those already in circulation, and the minor silver coins, were declared not to be legal tender. Though used in ordinary business transactions, they would not be accepted in payment of custom duties, nor as interest on the public debt, nor in payment of the debt itself. In technical language, silver was "demonetized" in 1873. It was no longer a legal tender.

The House in 1877 was Democratic and most of its members had promised their constituents to vote for the "remonetization" of silver. In February, 1878, the Senate (Republican) and the House (Democratic) compromised their differences and passed, over the President's veto, the Bland Silver Bill, named after R. P. Bland, a Democrat from Missouri. The Bland bill originally proposed to coin silver dollars again, in the ratio of 16 to 1—that is, one pound of gold to rate as sixteen pounds of silver; to make these dollars legal tender at their face value for every kind of debt, and to coin them for nothing—that is, just as gold bullion was coined, free of charge. Any one might bring silver to the mint and receive its bullion value in silver dollars.

To this last proposition the Senate objected, as it would be the "free coinage of silver." Senator W. B. Allison, of Iowa, proposed, as a substitute, that there should be a limited free coinage of silver; the Secretary of the Treasury should be required to purchase each month not less than two million dollars, nor more than four million dollars' worth of silver bullion and coin it into dollars. These "Bland" dollars, as they were popularly called, weighed 412 $\frac{1}{2}$ grains. In 1878, the bullion in one of them was worth 92 cents in gold, in open market.

The people now had "hard money" again, but they found it inconvenient, and most of them preferred paper money. Congress authorized the Secretary of the Treasury to deposit the silver dollars in the vaults of the government and issue in place of them silver certificates in equal amount. The time was now approaching when the specie resumption act of 1875 was to take effect. In December, 1878, treasury notes and gold were quoted alike. But many said that the government would not be able to resume specie payments because it could not obtain sufficient gold. On the 1st of January, 1879, the treasury account stood:

| | |
|---|---------------|
| Legal tender notes outstanding, to be redeemed . . . | \$346,681,016 |
| Held by the government | 70,000,000 |
| Held by national banks | 70,000,000 |
| In circulation among the people | 206,681,016 |
| Amount of gold subject to the order of the secretary of the treasury | 135,000,000 |
| Or about 40 per cent. of the amount to be redeemed. | |

When the expected "rush on the treasury" came, only eleven million dollars were offered for redemption in gold. As soon as the people found that they could get gold for their greenbacks, they did not want it. The whole transaction illustrates a saying of the times that "the way to resume is to resume." Shortly before resumption-day, United States bonds at four and one half per cent were sold by the government at 101. In less than two years, four per cent bonds were selling at 128. Here is a point for all who wish to prosper: to keep one's promises, to pay his debts promptly, and credit will always be good.

The election of 1880 was now approaching. President Hayes had announced before his inauguration that he would not be a candidate for a second term.

Four parties met in national convention in 1880 and nominated candidates for President and Vice-President. The Republicans, at Chicago, in June, nominated James A. Garfield, of Ohio, and Chester A. Arthur, of New York, on a platform approving the work of previous Republican administrations and advocating aid to popular education in the state, by the national government, "to the extent of its constitutional ability"; internal improvements at national expense; the restriction of immigration; the extinction of polygamy, and civil service reform. The platform clearly announced that the United States is "a sovereign nation."

In the nominating convention, the three leading candidates were General Grant, James G. Blaine, and John Sherman. For Grant and "the third term," three hundred and six delegates voted to the end. The Blaine and Sherman men combined and nominated Garfield.

In June, at Chicago, the Greenback party nominated James B. Weaver, of Iowa, and B. J. Chambers, of Texas. The platform repeated that of the party of 1876, and demanded the regulation of interstate commerce by Congress, and a graduated income tax.

The Prohibitionists met in Cleveland, in June, and nominated Neal Dow, of Maine, and A. M. Thompson, on a platform essentially the same as in 1872 and 1876.

At Cincinnati, in June, Winfield S. Hancock, of Penn-

sylvania, and William H. English, of Indiana, were named by the Democrats. The platform declared for "home rule"; the strict maintenance of the public faith; honest money, consisting of gold and silver, and paper convertible into coin on demand"; also "a tariff for revenue only"; the exclusion of the Chinese, "except for travel, education, and foreign commerce," and "public land for actual settlers."

For the Republican ticket, 4,454,416 popular votes and 214 electoral votes were cast. Hancock and English received 155 electoral votes and 4,444,952 popular votes. Weaver received 308,578 popular votes. Both houses of Congress were Republican. Garfield was inaugurated March 4, 1881.

On the 2d of July, the President left the White House to attend commencement at his alma mater, Williams College, and had just entered the Pennsylvania station in Washington, when he was shot in the back by a disappointed office-seeker named Charles J. Guiteau. For a time there was hope of recovery. He died at Elberon, New Jersey, September 19, 1881, and Chester A. Arthur succeeded as President. There was at the time no President pro tempore of the Senate. The forty-seventh Congress did not meet till December, therefore there was no Speaker of the House. By the act of 1792, the presidential succession, in case of the death of the Vice-President, went to the President of the Senate pro tempore or if there should be no such officer, then to the Speaker of the House. The situation in 1881, therefore, was both unusual and critical. There was no provision for the succession to President Arthur, in case of his death or inability to serve. After five years, Congress passed the presidential succession act, in January, 1886. In case of the death or inability of both President and Vice-President, the succession passes to the members of the Cabinet in the order of the creation of the department. First, to the Secretary of State, or if there be none, to the Secretary of the Treasury, and thus, in their order, to the secretaries of War, of Justice (the Attorney-General), of the Post-Office, of the Navy, of the Interior, and of Agriculture.

Several acts of great importance were now passed. In 1882, polygamy was prohibited, and the Territory of Utah was placed under the superintendence of five commissioners, appointed by the President, to conduct the elections. Polygamy was supposed to be gradually extinguished under the act known as the "Edmunds Act," from Senator George F. Edmunds, of Vermont, who proposed it.

The demand for legislation excluding the Chinese was general, and a bill was passed rigidly excluding them from the country for twenty years, but it was vetoed by the President as not being "reasonable" in the sense in which that word was used, with reference to their exclusion, in the treaty with China of 1880. But on the 6th of May, 1882, he signed a bill excluding them for ten years.

In January, 1883, Congress passed a "reform" civil service act, whose primary purpose was to secure competent employees for the government, and to protect them from removal except "for just reasons and the good of the service." The powers of the national civil service board were enlarged, and a code adopted regulating appointments, promotions, and dismissals. The death of Garfield convinced the people that the "spoils system" ought to be abolished. In 1883, most of the internal taxes imposed during the war were abolished, or greatly reduced. Tariff rates were cut down. The country was getting back to a peace footing.

Many people demanded other, and as they thought greater, reforms. These were fairly set forth in the six party platforms and nominations of 1884. The Republicans met in convention at Chicago, in June, and nominated James G. Blaine, of Maine, and John A. Logan, of Illinois. In addition to its approval of twenty-four years of Republican administration, the platform advocated the establishment of a national bureau of labor and the enforcement of the eight-hour law for all employees of the government; civil service reform; the forfeiture of all public lands for which corporations (railroads) had not performed what they had promised to perform as a condition of the grant from Congress; "the restoration of our navy to its old-time strength and efficiency," and the suppression of polygamy.

A month later, the Democrats met in Chicago and nominated Grover Cleveland, governor of New York, and Thomas A. Hendricks, of Indiana. The platform was very long, and charged the Republicans with identifying the government with monopolies to the injury of the people; demanded civil service reform, and the "abolition of unnecessary taxes, amounting to one hundred million dollars yearly, collected from a suffering people." The whole platform, like that on which Tilden and Hendricks had been nominated in 1876, was a demand for "reform."

The Prohibitionists, at Pittsburg, in July, named John P. St. John, of Kansas, and William Daniel, of Maryland. The American Prohibitionists had met at Chicago, in June, had nominated Samuel C. Pomeroy, of Kansas, and John A. Conant, of Connecticut.

The Greenback party nominated Benjamin F. Butler, of Massachusetts, and A. M. West, of Mississippi, in May, at Indianapolis, on a platform that called for the regulation of interstate commerce by Congress and the establishment of a government postal telegraph system; a graduated income tax, and prohibition of the importation of contract labor.

The Equal Rights party, at San Francisco, in September, nominated Belva A. Lockwood, of the District of Columbia, and Marietta L. Stow, of California. Its platform demanded equal rights for women and men.

The variety of platforms in 1884 might at first mislead one to think that the country was split into factions. This was in part true. Blaine's nomination displeased many Republicans, because they believed that it signified the continuation of a public policy inimical to the harmony of the North and the South, and straightway they announced that they should support Cleveland. They were nicknamed "mugwumps." Judging by the election they carried out their intention. A common feeling possessed millions of voters that monopolies and corporations of various kinds were becoming dangerous to the country; that they bribed judges and juries, bought legislatures, and practically controlled Congress. The campaign of 1884 may be called "the campaign of discontent." Cleveland and Hendricks received 219 electoral votes and 4,874,986 popular votes;

Blaine and Logan, 182 electoral votes and 4,851,981 popular votes. For Butler were cast 175,370 votes, and for St. John, 150,369. Both branches of Congress were Democratic. For the first time since Buchanan (1856) the Democratic party was in control of the government. Cleveland was inaugurated March 4, 1885.

We have now come to our own time, to men in public life whose names are familiar and to political acts and issues which are fresh in the memory of the people. The issues are largely of an industrial nature; that is, they are questions affecting labor, wages, transportation, strikes, trusts, monopolies, corporations, and the public lands.

When, on the 4th of July, 1826, Adams and Jefferson died, the people said that with them passed the last link between the new America and the old America of the Revolution. When General Grant died, July 23, 1885, one of the greatest figures of the Civil War period passed away. Our country had bestowed upon him its highest honors. Possessed of them all, he remained "in his simplicity sublime." North and South mourned at his tomb. Many men, like Grant, became distinguished when the life of the Union was at stake, and freely and fully rendered their country eminent services. As the ages pass, the American people will remember two of them above all others who lived "with malice toward none, with charity for all"—Abraham Lincoln and Ulysses S. Grant.

The Democratic party returned to power under promise to carry through many reforms. For twelve years American wage-earners had been complaining that foreign workmen were brought over in such numbers and under contracts for such low wages that American workmen could not compete with them. On the 26th of February, 1885, the President signed the bill prohibiting the importation and migration of foreigners and aliens under contract to perform labor in the United States.

On the 18th of January, 1887, a law was passed regulating the counting of the electoral vote. Disputed questions are to be settled by each house separately. If Congress cannot agree, the return sent by the governor of the state under its seal shall be counted.

Much complaint had been made by manufacturers, farmers, and producers, all over the country, that local freight charges were higher than charges for "long hauls" from the West, so that local trade suffered. Powerful combinations could thus undersell weaker ones. The various state laws regulating trade were confusing and contradictory. To remedy these evils, Congress enacted a law, February 4, 1887, "to regulate commerce," called the Interstate Commerce Law. It created an interstate commission to see that equal facilities for transportation are given by public carriers without discrimination. Printed schedules of freight and passenger charges were now posted in all stations, and charges, if lawful, were "reasonable and just."

The Alaska seal fisheries and the New Foundland fisheries was a subject of much diplomatic discussion between the United States and England, and several laws were passed authorizing the President to protect American fishermen and fishing vessels. But the principles in dispute between the two countries were left for future settlement.

In May, 1888, Congress empowered the President to arrange a conference between the United States and the American nations south of our country, for the purpose of strengthening our peace and commerce with those countries. Sixteen American nations responded, and sent deputies to a Pan-American congress at Washington, in 1889. The congress advocated:

International arbitration, the Monroe Doctrine, a uniform currency among American nations, reciprocity in trade, and a treaty protecting patents and trade-marks. One of the results was the establishing of the Bureau of American Republics at Washington.

In June, 1888, Congress established a department of labor, in charge of a commissioner of labor. He was given many duties, but chiefly to report to Congress the cost of producing articles in this country and abroad; to report rates of wages, hours of labor, and the effect of tariff laws. On the 1st of October, 1888, Congress, by law, forbade the return of any Chinese laborer who had left the country.

Five political parties met in national convention, drew up platforms, and nominated tickets in 1888.

In May the Union Labor party, at Cincinnati, nominated Andrew J. Streeter, of Illinois, and Charles E. Cunningham, of Arkansas. The platform declared that general discontent prevailed among all wealth-producers. The farmers, the party declared, were poor; business of all kinds was depressed; land monopolies flourished, and "the Senate of the United States has become an open scandal, its membership being purchased by the rich in open defiance of the popular will." To remedy these and other evils, the party proposed that land ownership should be limited by law, and railroads and telegraphs should be owned by the people, like the postal service; the coinage of silver be made as free as the coinage of gold; postal savings banks be established; strikes and labor disputes be settled by arbitration, and equal pay should be given to both sexes for equal work. Pensions should be provided for every honorably discharged soldier and sailor. Congress should enact a graduated income-tax law. United States Senators should be elected by the vote of the people in districts. The Chinese and all forms of foreign contract labor should be excluded. Woman suffrage should be extended, and there should be an "abolition of usury, monopoly, and trusts."

At the same time the United Labor party met in Cincinnati, and nominated Robert H. Cowdrey, of Illinois, and W. H. T. Wakefield, of Kansas, on a platform similar to the Union Labor, but demanding also the adoption of the Australian voting system, and the single-tax or land-tax system advocated by Henry George.

The Prohibitionists nominated Clinton B. Fiske, of New Jersey, and John A. Brooks, of Missouri. The platform called for the abolition of the internal revenue system, for equal suffrage, for a national law governing marriage and divorce, for the prohibition of monopolies, for the observance of the Sabbath, arbitration, for labor reform, for the exclusion of all immigrants unable to make a living, and for the denial of the right to vote to any person not a citizen of the United States.

At St. Louis, in June, the Democrats renominated Cleve-

land, with Allen G. Thurman, of Ohio, on a platform demanding tariff reform, the reduction of the revenue, and the admission of the territories of Washington, Dakota, Montana, and New Mexico. In his annual message to Congress, in 1887, President Cleveland departed from precedent in such documents, and advocated the immediate reduction of the tariff. Roger Q. Mills, a Democratic representative from Texas, reported a new tariff bill, soon after the President's message was received. It passed the House, which was Democratic, but was rejected by the Senate, which was Republican. The Mills bill was advocated in the St. Louis platform.

When the President sent in his message, there was a surplus in the treasury of over fifty million dollars, and it was daily increasing. By the close of the financial year, June 30, 1888, it reached one hundred and twenty-five million. What was to be done with the money? The St. Louis platform declared this surplus "demoralizing," as it encouraged "extravagant expenses," the effect of "extravagant taxation," and advocated a decrease in taxation.

Two weeks after the St. Louis convention, the Republicans, at Chicago, nominated Benjamin Harrison, of Indiana, and Levi P. Morton, of New York. The platform advocated protective duties on wool; the repeal of all internal taxes not necessary; the exclusion of the Chinese, and of foreign contract labor; opposition to trusts; the speedy admission of Washington, the Dakotas, Montana, Idaho, and Wyoming, and of Arizona and New Mexico, as soon as qualified to become states; the extinction of polygamy in Utah; bimetallism—"the equal use of both gold and silver as money; free schools"; army and navy fortifications; the protection of our fisheries; the Monroe Doctrine; civil service reform; the extension of the pension laws, and sympathy with "all wise and well-directed efforts for the promotion of temperance and morality."

So the great issues in 1888 were: The tariff, internal taxation, labor reform, and prohibition.

When the vote was counted, February 13, 1889, it was discovered that nearly 11,400,000 votes had been cast. Harrison and Morton received 233 electoral votes and

5,440,708 popular votes; Cleveland and Thurman received 5,536,242 popular votes and 168 electoral votes; Streeter received 146,836 votes, and Fiske, 246,876.

Both houses of Congress were Republican. Thus there was an entire change from 1884. Harrison, a grandson of President William H. Harrison, was inaugurated March 4, 1889.

In April, 1889, New York City celebrated the one hundredth anniversary of the inauguration of Washington. The ceremonies of April, 1789, were repeated as far as possible. President Harrison made the journey to New York over the route Washington had taken; was received as he was received, and on the very spot where Washington took the oath of office, the President took part in an impressive ceremonial. A religious service, social entertainments, and various receptions, and a military procession of great length, were features of the hour. An historic pageant of extraordinary interest was the naval display. The Essex represented the navy in the days of Washington and the War of 1812; the Kearsarge brought back memories of the Civil War, and the Chicago represented the new navy.

Thomas B. Reed, of Maine, was chosen Speaker of the fifty-first Congress. To obstruct legislation some members, though present, refused to answer to the roll-call or to vote. The Speaker directed the clerk to record these members as "present but not voting." This ruling was novel. The minority protested in vain. They carried the question to the Supreme Court, and it sustained the Speaker.

The Republicans had promised in their platform to extend the pension list. This they did by the act known as the dependent pension bill, passed June 27, 1890. In 1889, the pensions amounted to \$89,000,000; in 1891, to \$118,500,000; in 1893, to \$158,000,000, and continued at nearly this amount for the next seven years.

It cannot have escaped notice that all the platforms in 1888 cried out against trusts and monopolies, and for that matter, that the cry had been heard more or less for a dozen years. The fifty-first Congress passed an act, June 26, 1890, to protect trade and commerce against unlawful

restraints and monopolies. Practically, this law empowered the courts of the United States to pronounce judgment on all contracts and declare void all injurious to the public, in cases coming before them for trial.

For ten years or more the demand for the free coinage of silver had been getting stronger. The Labor party called for free coinage in the campaign of 1888, but the Republican and Democratic leaders thought it inexpedient to raise the silver question at that time. But the number of free-silver men in Congress increased. The silver states demanded free coinage. When the Bland-Allison act of 1878 passed, silver was worth one dollar and twenty cents an ounce. In December, 1889, it was $70\frac{6}{10}$ cents an ounce. Six states had recently been admitted into the Union: North Dakota and South Dakota, November 2, 1889; Montana, November 8, Washington, November 11, 1889; Idaho, July 3, Wyoming, July 10, 1890.

Four of these were silver states. The Senate was now strong for free silver. Two bills, quite similar, originated one in each house, and finally, by compromise, a new law was passed in July.

The Secretary of the Treasury should purchase four million five hundred thousand fine ounces of silver each month. This was one hundred and forty tons.

He was not compelled to coin it, but could store the bullion in the government vaults. After July 1, 1891, the Secretary could issue silver certificates against the bullion on hand. It was hoped that the purchase of so much silver by the government would keep up its price.

Senator John Sherman was one of the committee of conference when the bill was finally agreed to. He was not its author. However, the bill was known as the "Sherman act" of July 14, 1890.

On the day of the Sherman act Congress also passed the McKinley tariff bill, which was signed by the President. It took its name, as bills usually do, from the chairman of the committee that brings in the bill. William McKinley was chairman of the Committee of Ways and Means of the House. The tariff had been an issue in 1888, and the people expected some reversion of the law. The McKin-

ley bill put sugar on the free list and made a general reduction of duties. The opponents of the law carried it to the Supreme Court, but it was declared constitutional. The law went into effect October 6, 1890.

Changes and improvements in the means of communication and new needs of trade and commerce led to the Interstate Commerce act of 1887. Some states had passed stringent laws prohibiting the manufacture or sale of intoxicating liquors. But the laws were evaded by citizens who went to other states, bought liquor, and returning home, sold it, although the law forbade. The Supreme Court decided that intoxicating liquors made in one state, taken to another, and there sold, were protected by the Interstate Commerce law from any state law, on the ground that such a state law was an interference in restraint of trade. To meet this difficulty, Congress passed the Original Package law, August 8, 1890, which provided that all such original packages of liquor or of other articles brought into a state should be subject to its local laws the same as if made within the state.

For seventy years the people had been legislating about lotteries, and nearly all the states forbade them by their constitutions. The Louisiana lottery, at New Orleans, still carried on an enormous business, and largely through the mails. At last Congress by law excluded lottery tickets, circulars, and orders from the mails. This law of September 27, 1890, killed the lottery and drove it out of the United States.

Much complaint had been made for many years that the public lands were falling into the control of corporations which held them as investments. Congress, on September 29, 1890, declared the forfeiture of all lands held by corporations for the construction of railroads which had not yet been built, or the conditions of the land grants for which had not been fulfilled. Lands equal in area to nearly one-fifth of our national domain (excepting Alaska) have at some time been given to railroads and canals.

In December, 1890, at St. Louis, a convention assembled composed of delegates from various farmers' unions then existing all over the country. Organizations such as the

Patrons of Husbandry and the Farmers' Grange, or League, had been forming for ten years past. Their purpose was to elect men to state legislatures and to Congress who would look out for the farmers' interest, to compel merchants and manufacturers of all articles used on the farm to sell them cheaper, and to promote agricultural knowledge and social relations among farmers.

So strong was the Alliance in 1890 that it elected governors in Georgia, South Carolina, Tennessee, and South Dakota; many members of state legislatures; eighteen members of the fifty-second Congress, and controlled the election of United States Senators in seven states.

The Alliance was not taken very seriously by the old politicians at first, but when the congressional election of 1890 was over, it was discovered that instead of being Republican with a majority of eighteen, the House was Democratic with a majority of one hundred and forty-seven. The Alliance had nine Congressmen. It also had three Senators. In case of a close division, the Alliance men would have almost the balance of power.

Four parties nominated candidates and drew up platforms in 1892. Early in June the Republicans, in convention at Minneapolis, renominated Harrison, with Whitelaw Reid, of New York, as Vice-President. The platform rested on the McKinley tariff. Silver and gold should be coined, and the parity of the two metals be maintained. The platform also advocated the extension of the free delivery service to towns and to the rural districts, the control of the Nicaragua Canal by the United States, national aid to the Columbian Exposition, restoration of our merchant marine by home-built ships, the Monroe Doctrine, and the exclusion of pauper immigration.

Later in June, at Chicago, the Democrats renominated Cleveland, with Adlai E. Stevenson, of Illinois, as Vice-President. The platform denounced the McKinley tariff; declared trusts and combinations to be the effect of prohibitive taxes; denounced the "Sherman act" of 1890; advocated both gold and silver as money, and the maintenance of them and of paper currency as lawful money; demanded the repeal of the ten per cent tax on state bank issues;

avored the exclusion of the Chinese and of contract labor, and favored national aid to the Columbian Exposition; and denounced "the notorious sweating system," convict labor, and the employment in factories of children under fifteen years of age.

The Prohibitionists met at Cincinnati, in June, and nominated John Bidwell, of California, and J. B. Cranfill, of Texas. The platform was like that of 1884 and 1888. It pronounced against trusts, monopolies, the alien ownership of land, and mob law.

The various labor parties and the Alliance united as the People's party, held their convention in Omaha, in July, and nominated James B. Weaver, of Iowa, and James G. Field, of Virginia. The platform demanded the free and unlimited coinage of silver and gold at the ratio of 16 to 1; a graduated income tax; postal savings banks; the national ownership of railroads, telegraphs, and telephones; the exclusion of pauper immigration; eight hours as the lawful period of a day's labor; the election of United States Senators by direct popular vote, and a national currency, issued only by the government, as a full legal tender for all debts, and to be distributed to the people at two per cent annual interest.

Though these various demands are at first bewildering, the real issue in the campaign was the McKinley tariff. Cleveland and Stevenson were elected, receiving 5,556,533 popular and 277 electoral votes. Harrison and Reid received 145 electoral and 5,175,577 popular votes. Weaver received 22 electoral and 1,122,045 popular votes. Bidwell received 279,191 votes. The House of Representatives stood 216 Democrats, 125 Republicans, and 11 Populists; the Senate, 44 Democrats, 37 Republicans, and 4 Populists. Thus the result reversed the vote of 1888, and put the Democrats again in power. Mr. Cleveland was inaugurated for a second term, March 4, 1893.

President Harrison, on the 15th of February, 1893, had sent to the Senate a treaty providing for the annexation of the Hawaiian Islands to the United States, and recommended its ratification. The islands were in a state of

revolution. Five days after his inauguration, President Cleveland recalled the treaty from the Senate. He had already sent James H. Blount, of Georgia, to Honolulu, with authority superseding that of our minister there, John L. Stevens. The island was in possession of Americans and our flag was flying. Acting under orders, Blount hauled down the flag. President Cleveland recognized the Hawaiian queen, but the people of the islands, organizing a provisional government, with Sanford B. Dole, an American, as president, banished her and her family. The attempt to restore the monarchy failed, and the Hawaiian Republic became a settled government.

Soon after the inauguration, a panic broke out like that of 1873. Failures increased rapidly all summer. Many causes were assigned, and one in particular, the silver-purchasing law of 1890. The President summoned Congress in extra session August 7. He ascribed the financial depression to the Sherman act. The government, up to the 13th of July, 1893, had purchased silver to the amount of one hundred and forty-seven million dollars with treasury notes. These were redeemable in gold. Over forty million dollars of these notes had been so redeemed in one year. As fast as redeemed, the notes were reissued, to be redeemed again. The President called this drain upon the treasury an "endless chain." The government, he said, must do one of two things: cease buying silver or cease paying out gold.

There were in 1893, \$346,000,000 in treasury notes and \$151,000,000 in silver certificates, or in the aggregate nearly half a million dollars, redeemable in gold. Silver had fallen so that in 1893 a silver dollar was worth only sixty-seven cents. When the President summoned Congress in extra session, the government had ninety million dollars in gold. As matters were going this would soon be exhausted.

But many people and their representatives in Congress opposed the repeal of the silver act. The repeal was debated in Congress till November, when it was finally carried, November 1, 1893.

Tariff reform had been promised, and the administration

now fulfilled its pledge. William L. Wilson, of West Virginia, brought in a tariff bill when Congress met in 1893. It reduced duties generally. For years a demand had been made by one party or another for an income tax. The Wilson bill put a tax of two per cent on annual incomes of more than four thousand dollars. The Wilson tariff did not meet the President's approval, but became a law without his signature, August 27, 1894. The Supreme Court soon after declared the income tax clause of the law unconstitutional.

Meanwhile, the expenditures of the government were greater by thirty-six million dollars a year than its revenues. One party claimed that the fault was in the repeal of the McKinley tariff; that is, in the Wilson bill. Another party said it was due to the demonetization of silver; everything would go right if we had the free coinage of silver. Others said that the Wilson bill had not yet had time to work.

But the government steadily fell behind; the debt was increasing four million dollars every month. The gold reserve was getting dangerously low. In order to get gold, Congress authorized an issue of bonds. Issue followed issue until nearly two hundred and sixty-three million dollars were sold. They were sold at a premium, and paid about four per cent interest. The last issue was opened to popular subscription. More than ten times the amount of the issue was subscribed, which proved the faith of the people in the government.

For half a century the boundary between Venezuela and British Guiana had been in dispute. Finally, in 1895, diplomatic relations between Venezuela and Great Britain ceased. Great Britain demanded an extension of Guiana. Venezuela protested. To the surprise of the people of the United States, and to the world in general, President Cleveland sent a message to Congress discussing the case of Venezuela. He reaffirmed the Monroe Doctrine, and declared that the United States protested against the extension of British Guiana at the expense of Venezuela. He invited England to submit the dispute to arbitration. This England refused to do. The President then suggested to Congress the creation of a boundary commission. Con-

gress appropriated one hundred thousand dollars for the use of a commission of five to be nominated by the President. He declared that the United States would enforce the Monroe Doctrine and prevent aggression upon the rights of Venezuela as it would prevent aggression upon the rights and interests of the United States. Happily for the peace of the world, England and Venezuela signed a treaty of arbitration, at Washington, November 12, 1896, and the whole dispute ended.

The free silver agitation of the preceding twelve years produced great changes in parties in 1896. This was manifested in their platform.

The Prohibitionists, in May, at Pittsburg, nominated Joshua Levering, of Maryland, and Hale Johnson, of Illinois. The National party, meeting in the same city at the same time, nominated C. E. Bentley, of Nebraska, and T. H. Southgate, of North Carolina. The platforms of the two parties were like those of 1892.

In June, at St. Louis, William McKinley, of Ohio, and Garret A. Hobart, of New Jersey, were nominated by the Republicans. The platform advocated the policy of protection, of reciprocity, and opposition to the free coinage of silver except by international agreement with the leading commercial nations of the world. "All our silver and paper currency must be maintained at parity with gold." The Monroe Doctrine should be applied in its full extent. A national board of arbitration should be created for the settlement of all differences arising between employers and employees in interstate commerce; that is, on railroads.

On the 4th of July, at New York, the Socialist Labor party nominated Charles H. Matchett, of New York, and Matthew McGuire, of New Jersey. The party demanded the national ownership of railroads, telegraphs and telephones, and of all other means of transportation and communication; the municipal ownership of all city franchises; the protection of all wage-earners; the compulsory education of all children below fourteen years of age, and the supply of books, clothing, and food when necessary, and equal industrial rights for all.

Four days later, the Democratic convention met at

Chicago, and nominated William J. Bryan, of Nebraska, and Arthur Sewall, of Maine. The platform demanded "the free and unlimited coinage of both gold and silver at the present legal ratio of 16 to 1, without waiting for the aid or consent of any other nation." There should be more bond issues, and a tariff should be for revenue only; an income tax should be imposed by Congress. Foreign pauper labor should be excluded, and New Mexico and Arizona should be admitted into the Union.

On the 24th of July, two other conventions met in St. Louis. The Silver party indorsed Bryan and Sewall; the People's party indorsed Bryan, but nominated Thomas E. Watson, of Georgia. Free silver was "the pressing issue."

In the Republican convention, when the clause in the platform was adopted on the free coinage of silver, (?) the delegates of the silver states (South Dakota, Montana, Idaho, Nevada, Utah, and Colorado), twenty in number, left the hall and the party.

A similar but more serious split followed the adoption of the free silver clause by the Democratic convention. The National Democratic party met in convention at Indianapolis, in September, and nominated John M. Palmer, of Illinois, and Simon B. Buckner, of Kentucky, on a "gold" platform.

Thus the campaign of 1896 was between the "silver men" and the "gold men" of the country; that is, for or against the free and unlimited coinage of silver. McKinley and Hobart were elected, receiving 271 electoral and 7,121,342 popular votes. The vote for Bryan was 6,502,600, and he received 176 electoral votes. For Palmer and Buckner 134,731 votes were cast; for Levering, 123,428; for Matchett, 35,306; for Bentley, 13,535. Both branches of Congress were Republican, and there was an increase in the number of Populist members—the name Populist having been given by the Indianapolis convention to all supporters of free silver. On the 4th of March, 1897, McKinley was inaugurated. He summoned Congress in extra session to devise an adequate revenue for the government. On the 24th of July, the bill brought in by Nelson Dingley, of Maine, chairman of the Committee of Ways and Means,

became the "Dingley" tariff law, by the signature of the President.

Four centuries had now passed since the discovery of the western world by Spain. The prospect, once ominous, that America would remain New Spain indefinitely, passed away with the growth of the English colonies. We have seen how, in the fifteenth century, Spain laid claim to nearly all the continent of North America, and that she retained her hold until the revolutions of 1820. Mexico fell from her grasp, and this meant the loss of the vast California country. We purchased Louisiana in 1803 from Napoleon, and it extended westward to the quite unknown boundary between New France and New Spain. In 1819, we bought the Floridas from Spain, and in 1848 the California country became ours as a result of war with Mexico. Spain was left only a few islands in the West Indies, the remnant of an empire which once stretched from Peru to Oregon.

In 1896 the condition of affairs in Cuba and Porto Rico was only a little worse than it had been for thirty years. Civil war was raging, and Spain was pursuing her policy of relentless extermination. On the 10th of February, Valeriano Weyler arrived in Cuba as captain-general. He decided to lay waste the island and bring the insurgents to terms. The peasants, who were pursuing peaceful pursuits, were the first object of his fury. They were ordered to leave their districts and to concentrate in the towns, particularly in Havana. They were driven from their little farms at the point of the bayonet, and were gathered into the towns, whence they were called "reconcentrados," or persons cooped together. The result that was planned followed. Unused to confinement and ill-fed, they speedily sickened, and died in such numbers as to shock the civilized world. It was a case of systematic starvation.

By March, 1896, Spain had one hundred and fifty thousand soldiers in Cuba, and yet the rebellion was not suppressed, nor was there prospect of suppression. The Cubans fought in scattered bands, and kept the Spaniards in the towns. The only hope of Spain was to starve the island into obedience. This hope was vain.

In the United States, public sentiment was not indifferent to the condition of Cuba. Both the Democratic and the Republican parties, in their national conventions of 1896, expressed strong sympathy with the Cubans, and urged that our country interfere in the interest of humanity. On December 21, the Senate Committee on Foreign Relations reported a resolution recognizing the Republic of Cuba. Then the excitement began. Capitalists who had investments in the island protested that recognition would cause war with Spain and "unsettle values." The President, Mr. Cleveland, was opposed to war. A policy of strict neutrality, he thought, should be pursued.

But meanwhile matters grew worse in Cuba. Our consul-general, Fitzhugh Lee, was reporting the horrible state of affairs. Our people were suspecting that the whole truth had not been told. Thus the question stood when President McKinley came into office. He did not desire war, but he was convinced that in some righteous way the long-standing Cuban question must be settled. The Spaniards held as prisoners some residents of Cuba who claimed to be, and who were, American citizens. President McKinley demanded that these be promptly released and their wrongs redressed. His firm tone was not misunderstood. By the last of April, every American prisoner had been given up. The danger of war seemed to pass away.

On May 20, 1897, the Senate passed a resolution recognizing the belligerent rights of the Cubans. The House signed it. Just at this time, May 24, the President asked Congress for fifty thousand dollars with which to send supplies to suffering Americans in Cuba. The request was promptly responded to. Spain consented that food should be sent through General Lee. This was intervention of a very substantial kind. It practically fed the enemies of Spain in Cuba.

President McKinley appointed General Stewart L. Woodford minister to Spain. He neglected no opportunity to conciliate the Spanish government and secure a peaceful solution of the Cuban question. He discovered that no such solution was possible.

Meanwhile Spain did not change her policy in the island. Starvation and extermination continued, and Cuba was fast becoming a wilderness. Finally our government asked that Weyler be recalled. Spain asked for time, and made promises of reforms in the island. Our government was firm. Weyler was recalled in October, and General Blanco, an equally cruel man, was sent in his place.

At this point our government decided to send a ship of war to Havana. This we had a right to do by the law of nations. Other governments were thus represented in Spanish waters. The *Maine* was chosen, and reached Havana January 24, 1898. A few days later, February 9, the Cuban Junta, a political organization active in the interests of the insurgents, published in one of the New York papers a letter written by the Spanish minister in Washington, Señor Dupuy de Lome, December 25, 1897, and addressed to a friend in Havana. The letter had been intercepted. It contained a coarse attack on President McKinley. The recall of the minister was promptly demanded. The letter disclosed that Spain never intended to keep her promises of Cuban reforms.

Just a week after the publication of this letter, the *Maine* was blown up and totally destroyed at her anchorage in Havana harbor; two hundred and sixty-four men and two officers were killed. The American people were astonished; then they knew that the time had come for action. But for forty days they waited till a naval board could report on the disaster. Spain expressed no sympathy. Her officials coolly declared that the ship had been blown up from the inside and through lack of discipline.

On March 28, the President sent the report of our naval board to Congress. The board did not fix the blame; it simply reported the facts, that the ship had been destroyed from the outside and underneath. This pointed to a submarine mine. Excitement was now increasing in America. What would Congress do? What would the President do? People waited for his message. On April 11 it was sent to Congress. "In the name of humanity, in the name of civilization, in behalf of endangered American interests, which give us the right and the duty to speak and to act,

the war in Cuba must stop," and he asked Congress to give him power to put an end to hostilities in Cuba and to secure for the island "a stable government, capable of maintaining order and observing its international obligations." Diplomacy, he said, was exhausted. He left results with Congress. Congress has no diplomatic functions. It can declare war, but diplomacy is an affair of the Executive. The President's message was very conservative.

On April 13, the House passed a resolution authorizing the President to intervene in Cuba, and sent it to the Senate. The two branches did not agree as to what should be done. The House wished to recognize Cuban independence; the Senate wished to bring Spanish rule in Cuba to an end forever. Finally, on the 19th, the two houses agreed to a resolution that the people of the island of Cuba "ought to be free and independent."

The new Spanish minister at once demanded his passports and left the country. Admiral Sampson, with his fleet, was ordered to Havana on the 21st, and the President proclaimed the blockade of Cuba; on the 23d, the Nashville overhauled a Spanish merchantman, with a shot across her bows. Two days later Congress declared that war with Spain had existed since the 21st of April. Meanwhile our minister to Spain, General Woodford, had been given his passports and had left Madrid.

Our country did not desire war and the army was not prepared for it. The navy was ready. Soon the blows fell thick and fast. In May, Commodore Dewey, commanding the Asiatic squadron of six ships, sailed into the tortuous harbor of Manila, regardless of submarine mines and frowning forts, and destroyed the Spanish fleet of ten warships, under Admiral Montejó. The Spaniard was near shore, under the protection of the forts. Not an American was killed, nor one of our ships injured. The victory was unparalleled. Some months later Manila fell into our hands, and the Philippines were at our mercy.

The Cuban blockade was rigorously maintained. A powerful Spanish fleet, under Admiral Cervera, was daily expected in Cuban waters from across the sea. The Oregon, a first-class battle-ship, was ordered to join our fleet.

The Oregon was at San Francisco, more than fourteen thousand miles away. Her voyage to join the fleet was one of the spectacles of the time. The great ship left San Francisco March 19, and turning her steel prow to the south, she started on her long voyage around Cape Horn. On the 24th of May she reached Jupiter Inlet, Florida, in as fine condition as the day she started. Then she joined the fleet under Sampson.

He was looking for Admiral Cervera's fleet. The Cuban coast was reached both by Sampson and by Schley. Finally, on the morning of June 1, Captain Evans, of the Iowa, sighted the Cristobal Colon and the Maria Teresa, in Santiago harbor. The Spanish had been discovered in their hiding-place.

Sampson promptly directed that the narrow entrance be obstructed. Lieutenant Richmond Pearson Hobson came forward with a plan and volunteered to carry it out. With a picked crew, he would sink the Merrimac, a collier, in the channel. His achievement was one of the boldest deeds in naval history. The Merrimac was sighted by the enemy, who concentrated a terrible fire upon it. Hobson and his men were taken prisoners an hour later, clinging to a raft above their submerged vessel.

On Sunday morning, July 3, at half-past nine, the Spanish fleet came rushing out of its harbor. Our ships were patrolling the coast and watching for such an attempt of the enemy to escape. Then followed such a running fight as the world had never seen. In just three hours it was over. The Spanish admiral was a captive; his fleet was utterly destroyed. Our own was scarcely touched. The Spanish loss was 1,764 prisoners, including 99 officers; 350 killed, 160 wounded. Our loss, incredible as it may seem, was one man wounded and one killed, on the Brooklyn. Every Spanish ship was burned and sunk, and they were modern, first-class battle-ships.

The blockade of Cuba was accompanied by military operations on the island and on Porto Rico. Matanzas was bombarded, as was nearly every important coast town except Havana. Our troops were chiefly volunteer militia, consisting of men and youth wholly inexperienced in war.

They were hurried to the front. Vast quantities of supplies were purchased, but for a long time their transportation was in terrible confusion. The fault was said to be due to the military system which Congress had suffered to grow up. Whatever the cause, there was far more suffering, sickness, and death among our men due to bad food and defective commissary service than to action in the field.

The fleet was active everywhere in Cuban waters. Cables were cut at Cienfuegos and at other points, and the blockade strictly maintained. But in spite of our watchfulness, some supplies were brought in by blockade-runners.

At the outbreak of the war, April 23, the President called for one hundred and twenty-five thousand volunteers, and a month later, May 25, for seventy-five thousand more. The rendezvous was at Tampa, Florida. On June 7 orders came for the army to leave next day. More than a week passed before the transports were ready; indeed, they never got entirely ready. Confusion reigned at Tampa. On June 20, the army began landing at Santiago. There were no launches or lighters; no landing-place, except the surf-beaten beach. But the men got ashore. The principal officers disagreed as to the plan of campaign, and very much as in the days of 1812, the war went on without one. The Spaniards had smokeless powder and modern guns. Our soldiers were armed in the old fashion. Every time an American fired he became a mark for the enemy. The Spaniards could not be seen, though Mauser bullets rained down from them. There was but one thing to do, to clear the front; and away our men rushed, uphill, through pathless jungle, over wire fences, against intrenched troops and an enemy encased in low stone houses. This was the battle of Siboney, on the 22d, and this the famous charge of the regular troops and the Rough Riders, a volunteer company under Colonel Wood and Captain Roosevelt. On June 30 occurred the assault of our troops on San Juan Hill. The victory at El Caney followed. Terrible, stifling heat, confused orders, a hidden enemy, an almost impregnable position. But the Americans swept all before them. This was July 1 and 2.

Santiago was now invested. Cervera's fleet had been destroyed, and our army now knew it. General Shafter demanded the surrender of the city. On the 16th, terms were agreed on, and on the following day the American flag was raised on the city hall. General Shafter and General Wheeler received the local powers, of state and church. As the flag went up, our bands played "The Star-Spangled Banner" and the artillery thundered a salute.

Other towns speedily gave in. The island of Porto Rico was now closely invested, and a campaign began under personal direction of the head of the army, General Miles. The expedition reached Fajardo, July 25. It passed swiftly forward, taking town after town. On the 9th of August part of the army lay between Coamo and Aibonito; another part, under General Brooke, was ordered to attack Mayaguez, the capital of the sugar district. In nineteen days the western half of the island was in our hands. Suddenly, amidst operations, just as the men were advancing and as others were about to fire, a mounted messenger arrived from Ponce with news that a protocol of peace had been signed and that the war was over. This was on the 13th of August.

In the Philippines, meanwhile, great events had occurred. Commodore, now Admiral, Dewey, had captured Manila. Troops had been sent from California. Various islands in the Philippine group had been invested by our warships, and by the 13th of August the vast region had ceased to be under Spanish control.

Peace came suddenly, but not unexpectedly. On July 22, the Spanish minister of war at Madrid, through the French minister at Washington, M. Cambon, sent a letter to President McKinley asking for peace. On the 30th, our Secretary of State, Mr. Day, replied. We desired peace, and these were the conditions:

Spain should relinquish all claim of sovereignty over Cuba forever, and should immediately evacuate the island. She should cede, at once, to the United States Porto Rico and all her other West Indian islands, and an island in the Ladronez, which we would select. We would hold and occupy Manila, the city and the bay, until its final dispo-



sition should be settled by a commission authorized to draw up a treaty of peace.

Spain tried to wriggle out of these conditions, but our government was firm, and they were accepted by her in every particular. The peace protocol was signed at Washington August 12, and hostilities ceased. But the war was not over. A treaty of peace alone could put an end to that.

On October 1, a commission appointed by the President, consisting of Mr. Day, who resigned his office as Secretary of State; Senators Davis of Minnesota, Frye of Maine, Gray of Delaware, and Hon. Whitelaw Reid of New York, met in Paris with a similar body of Spanish representatives, and proceeded to draw up a treaty of peace. On the 10th of December this was signed. Porto Rico and other Spanish islands of the West Indies, excepting Cuba, were ceded to the United States. The Philippines were purchased by us for twenty million dollars, a clear case of generosity on our part, for they were at our mercy. Cuba was left under our protection. Spain retired from America.

The Spanish-American War left us with many new and difficult problems. In the Philippines, an insurrection under the lead of Aguinaldo speedily broke out and over-spread Luzon. The people of Cuba were anxious to establish a stable government, and a powerful party demanded independence.

While the war was in progress, Congress, by joint resolution, July 7, annexed the Hawaiian Islands. This course had been under consideration a long time, though successfully delayed during President Cleveland's administration. Our territory was thus suddenly and very widely extended during the year 1898. We ceased being merely a continental power; we became a world power with important possessions in Asia.

Congress proceeded to consider the best form of government for our new possessions. The Constitution extends over the states in our Union, but not over the territories, or Alaska. It does not extend to Cuba, Porto Rico, Hawaii, or the Philippines. The form of government for

territories and for these new possessions rests wholly with Congress. A military government was provided for Cuba, Porto Rico, and the Philippines; a civil government for Hawaii. On the 19th of March, 1900, a modified tariff act was passed for Porto Rico. A fifteen per cent decrease of duties was allowed, and the entire revenue from the operation of the act was ordered to be expended in the island for the benefit of its people. It was used in support of free public schools, for sanitation, and for public works.

On March 15, 1900, the gold standard currency bill became a law. It assured the maintenance of public credit and the payment of the national debt on the basis of gold.

The ten years ending with 1900 were a period of remarkable growth in American exports. American commerce was extended as never before. Our manufactures outsold those of any other nation. The increase in 1900 over the exports of 1890 was, in the aggregate, more than two hundred million dollars—a trade activity which revolutionized the financial world. This indicated that New York City was becoming the world's commercial center.

The most striking feature of our commercial expansion was the progress of the country in supplying machinery and tools for the world. In 1890, our shipments of machinery and tools aggregated relatively little in our exports; in 1900, more than sixty million dollars worth of machinery alone was sent abroad. The change was due to the appreciation of American work by the outside world. American inventive genius has at last gained control of the world's markets. It is probable that America has made only a beginning in its export trade. This trade includes all the iron and steel interests; brass and metal work; foods and food products; fertilizers; cars, carriages, and cycles; telegraphic and scientific instruments; motors, paper, clothing, chemicals, sugar, and copper.

The Spanish-American War added about one million square miles to our territory and several millions of people, many of whom, in the Philippines, were in a savage state.

In 1776, the population of the United States was less than three millions, and its area about eight hundred and

thirty thousand square miles; in 1900, the population of our country and its dependencies is more than seventy-five millions, and the area they inhabit is more than six times as great as our original domain at the time of the Declaration of Independence.

At Philadelphia, on the 21st of June, 1900, the Republican party, assembled in national convention, unanimously renominated William McKinley for President, and for Vice-President named Theodore Roosevelt, Governor of New York. The platform sustained the President's administration and repeated the essentials of the platform of 1896.

The Democratic party met in national convention in Kansas City, July 4th, and on the 5th renominated William J. Bryan for President, and on the 6th the convention named Adlai E. Stevenson for Vice-President. Mr. Stevenson had served in this office during the second Cleveland administration. The platform repeated that of 1896.*

The issues of the campaign were the gold standard; expansion; trusts and monopolies; prohibition; and the labor question in various forms. The free-silver issue of 1896 was revived by the Democrats, but the voters showed less interest in it than during the campaign of that year. Undoubtedly the existence of a state of war in the Philippines helped the Republicans. The country was not disposed to change presidents in war time. The issue of expansion as a national policy was not set separately and

* Nominations were made in convention, also, by the Populists, the Prohibitionists, the Socialists, and other parties.

Nominations by other political parties were made as follows:

Populists.—William J. Bryan for President; Charles A. Towne, of Minnesota, for Vice-President.

Middle-of-the-Road Populists.—Wharton Barker, of Pennsylvania, for President; Ignatius Donnelly, of Minnesota, for Vice-President.

Prohibitionists.—John G. Woolley, of Illinois, for President; Henry B. Metcalf, of Rhode Island, for Vice-President.

Socialist Labor.—Job Harriman, of California, for President; Max S. Hayes, of Ohio, for Vice-President.

Social Democrats.—Eugene V. Debs, of Indiana, for President; Job Harriman, of California, for Vice-President.

Socialists.—Joseph F. Malloney, of Massachusetts, for President; Valentine Remmill, of Pennsylvania, for Vice-President.

United Christians.—Rev. Dr. S. C. Swallow, of Pennsylvania, for President; Rev. Charles M. Sheldon, of Kansas, for Vice-President.

squarely before the voters, but was involved with the silver, the labor and other questions.

At the November election McKinley and Roosevelt received 7,263,266 popular and 292 electoral votes; Bryan and Stevenson, 6,415,387 popular votes and 155 electoral. The result was interpreted as a strong popular indorsement of McKinley's administration.

CHAPTER XXXVII

THE STRUGGLE FOR THE RIGHT TO VOTE

1789-1900

The evolution of American politics has been from a basis of things to a basis of persons. We began our government on the basis of property, but time has disclosed that man is the chief corner-stone. Evidences of the transition are presented sometimes unexpectedly, as in 1895, in the objection to an income tax, that "if this be a government of men, taxes must be levied on men, and not on property. When all men are taxed according to fixed and equitable rules, whatever may be the amount of the burden imposed on each individual, the government rests on men, not on things."

In our system of government the fundamental ideas are the right to vote, which is the chief political right of individuals as citizens, and the right to representation, which is the right of individuals in communal relations, and chiefly those existing in a civil corporation—the town, the county, the commonwealth, or the nation. The American system rests fundamentally on the franchise.* All our constitutions and laws are devices to enfranchise the man. He is the center of the civil system. His freedom and responsibility are the measure of our politics.

It is not unnatural that the chief struggle in America has been and continues to be the struggle for the franchise. In a democracy every human interest is eventually valued as a political force. Democracy gives character to the individual. It rests the whole case of civilization upon his integrity. Thus it follows that crafty men may substitute a political device for integrity, and witless men may confuse

* For an account of the franchise in this country at the close of the eighteenth century, see my *Constitutional History of the American People*, Vol. I, Chapter VII.

integrity with the device. A democracy is at the mercy of ideas. If the conduit for their currency is easy and open, there is not likely to be an upheaval of the state. The offices in commonwealth, in city, in county, and in national government are safety-valves in our democracy. A talking Congress is less destructive than a muzzled populace. Even French revolutions collapse when all Paris talks freely. The secret of government is to enfranchise ideas. Men never talk and fight at the same time.

In theory there will always be two political parties in a democracy. One party will construct its machinery from the landless and those without property. It will prescribe wealth for those who can take it from those who now hold it. A new order is easier than the old. Indeed, is it not easier at any time of difficulty to begin anew than sedulously to carry through the original plan? This is the party of the future; the party by amendment; the party for change. It finds the world weary of the old reformers, who left the rich and the poor, to find the poor and the rich, as ever. It finds thought outrunning performance, and its philosophy is the philosophy of discontent. It knows that the promise of pleasure, of wealth, of power, is a more virtuous incentive than is present pain, or present poverty, or present weakness. It will be destructive of existing institutions, rather than constructive of the institutions of to-morrow. It lives in the future, but is forced to collect taxes to-day. Could it free its disciples from these present burdens, there would be but one party in the world. It is founded on persons.

The other party has a long memory. It prefers the ease of conserving to the labor of destroying. Men pass away; things remain longer; ideas only are immortal. It therefore builds on ideas, and attempts to anchor things to them. The present is the true time. What has been, will be, therefore the passing populace may pass on. Think for them, furnish them labor, protect them, but anchor them to real things. Identify these interests with the interests of the state. Repair, but destroy not. Enfranchise men as thinking creatures; as ideas in the flesh. Only little ideas can ruin the commonwealth. Therefore

the great teacher, the great school, the great builder, the great industry, the great state. To enfranchise little minds is to turn into the streets men who squeak and gibber. Secure the means for practical intelligence before placing power in the hands of the multitude. Then is the state secure.

In this country these two parties have made our political history. At the close of the eighteenth century the conservative party was in power; at the close of the nineteenth the radical party is in power. The revolution has been from government founded on property to government founded on persons.

In nature the processes of evolution are marked by the production of types. It is so in the evolution of government, for government is a natural process. In the closing years of the eighteenth century, when the American governments were evolved, the two types of political evolution were Hamilton and Jefferson. Hamilton's ideas of government rest on two propositions—that government is a device of checks and balances, created by a few thoughtful men, and under their control, is supported by many less thoughtful men, who are protected by the device, and prospered in their affairs as a compensation for their support. Property is the basis of government. The New England formulation of the Hamilton idea is that government shall be one of laws, and not one of men.

Jefferson's ideas of government rest also on two main propositions—that government is probably a necessary device of which the more you have the worse you are off; and that government is founded on persons.

Between Hamilton and Jefferson is Franklin, whose concept of government is that "a general government is necessary for us, and there is no form of government but what may be a blessing to the people if well administered."

The eighteenth century was the century of modern political theories. Their influence is seen in the language of all the American and French constitutions of that time. Voltaire set the pace for France, Jefferson for America; and Jefferson is commonly called, in this country, the father of American democracy. Hamilton's and Jefferson's

theories of government have been subjected for a century to the severe test which, in Franklin's opinion, discloses whether a government is a blessing or a curse to its people—the test of administration. The nineteenth century was spent in administering the political theories of the eighteenth. In that administration the process was one of evolution, and in that evolution the process was marked by the production of two administrative types—Daniel Webster and Abraham Lincoln. When Webster died, Lincoln was in his forty-fourth year, and these years of Lincoln's life had been the years of Webster's influence and fame. His greater orations had already become a part of the world's literature; his eloquence had long been the glory of the nation. Yet there are only slight traces of Webster's influence on Lincoln. The man, the voice, the argument, seem never to have become landmarks in Lincoln's world. Lincoln, like other public men of his generation, made a study of Webster. Perhaps no finer and indisputable instance comes down to us of the force of Webster's oratorical methods and his style in leading others up to the threshold of his own conceptions than is related by Herndon. Indeed, he relates two instances. The first is of Lincoln's preparation of his "house divided against itself" speech, delivered at Springfield, Illinois, at the close of the Republican state convention, which had nominated Lincoln as their candidate for United States Senator. It has been said that this speech made Mr. Lincoln President. If its opening paragraph be compared with Webster's, in the reply to Hayne, the similarity in thought and expression becomes apparent. "It may not be amiss to note," remarks Herndon, "that in this instance Webster's effort was carefully read by Lincoln and served as his model." Again, when late in January, following his election to the presidency, he began the preparation of his inaugural address, he made a list of the works which he wished to consult. He asked Herndon, who was his law-partner and who tells us that his own library was a "respectable collection" of books, "to furnish him with Henry Clay's great speech, delivered in 1850; Andrew Jackson's proclamation against nullification, and a copy of the Con-

stitution. He afterward called for Webster's reply to Hayne, a speech which he read when he lived at New Salem, and which he always regarded as the grandest specimen of American oratory. With these few volumes and no further sources, he locked himself up in a room upstairs, over a store across the street from the state house, and there, cut off from all communication and intrusion, he prepared the address. Though composed amid the unromantic surroundings of a dingy, dusty, and neglected back room, the speech has become a memorable document." * Given such sources and Abraham Lincoln, the world might be entitled to expect an utterance that would rank with the wisest and most impressive in American literature. The style of the first inaugural, though less simple than that of the second, was plainly affected by Webster's in the reply to Hayne, just as the Springfield speech of June had been three years before. Yet, had Webster and Lincoln known each other, they would have felt how irreconcilable were many of their fixed convictions. Each was a type of the times in which his greatest work was done. Webster stood for the property basis of the state; Lincoln, for the basis of persons. Webster was admired, but not loved or profoundly trusted by the people; Lincoln trusted the people, and therefore the people trusted him. Yet it was the singular fortune of these diverse natures to contribute, the one in the reply to Hayne, the other in the Gettysburg address, the longest and the shortest speeches of their kind in our history, and also the most famed. Lincoln's is lofty in sentiment and faultless in form; Webster's, less perfect in form, is equally lofty in sentiment; but the sentiment of each, "dear to every American heart," is the liberty and union of the nation. Of all utterances in America during the nineteenth century we would least willingly let these two die. We cherish them because they embody the dominant cause of the age—"whether the new nation, conceived in liberty and dedicated to the proposition that all men are created equal, can long endure." This was the administrative question of American democracy in the nineteenth century—a question that compelled answer just as the

* Herndon's Lincoln (Ed. 1889), pp. 400, 478.

century had lost its youth and was entering upon its responsible manhood; a question which the America of Webster asked, and which, ten years later, the America of Lincoln answered.

It is easier to understand that question and to appreciate that answer if we follow the evolution of the franchise during those four and forty years when Webster and Lincoln were contemporaries. The United States, in 1789, when its Constitution was adopted, was a limited democracy. So, too, were the commonwealths. They continued limited democracies for one generation, but the United States for two. The limitation was of the franchise. Jefferson theorized that a man should vote because he is a man. The conservative party administered the franchise as the privilege of men who, by long residence, if they were not to the manner born, by religious belief, and by the possession of property, could be intrusted with so valuable a perquisite.

In the eighteenth century, those who questioned the justice of these qualifications were classed as the anarchists are classed now. A long residence was necessary to enable the elector to understand communal interests. A religious qualification was necessary as a deterrent of crime. A property qualification was necessary as a safe anchor for the state.

These qualifications limited the electorate, and similar qualifications, though more exacting in degree, limited candidature. Government was controlled and administered by the few. It was government of the few, by the few, for the many. Upon the return of America to a peace footing, in 1783, a counter-revolution began. A similar counter-revolution followed the second war with England, the Mexican War, and the Civil War. That counter-revolution involved the franchise. By 1810 that counter-revolution had nearly obliterated the religious qualifications of the right to vote. It did not obliterate a quasi-religious test, requiring men to assent to certain declarations, such as a "belief in a future state of rewards and punishments" before they could serve on juries or be a witness; or "a belief in the existence of a Supreme Being" before they

could be eligible to the legislature, the judiciary, or to the office of governor. These qualifications, peculiar to the southern states from 1835 to 1868, awaited the counter-revolution that followed the Civil War, when, save in three of the southern states, they were abolished. Franklin, in a letter to the Rev. Dr. Price, written from Passy, in 1784,* speaking of such a quasi-religious test, at that time required by the constitution of Pennsylvania,† said: "The evil of it was the less, as no inhabitant, nor any officer of the government, except the members of assembly, was obliged to make that declaration."

Jefferson had let loose the idea that was to leaven the state. "The error seems not sufficiently eradicated that the operations of the mind, as well as the acts of the body, are subject to the coercion of the laws. But our rulers can have authority over such natural rights only as we have submitted them. The rights of conscience we never submitted—we could not submit. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty gods or no god. It neither picks my pocket nor breaks my leg. If it be said his testimony in a court of justice cannot be relied on, reject it then, and be the stigma on him. Constraint may make him worse by making him a hypocrite, but it will never make him a truer man. It may fix him obstinately in his errors, but will not cure them. Reason and free inquiry are the only effectual agents against error—the way to silence religious disputes is to take no notice of them."‡ This application of these liberal ideas has abolished religious tests in this country, save in four commonwealths, and their constitutions were made a generation ago.

By 1820, the struggle for the franchise was the chief issue before the country. In that year the political reformers in Massachusetts, led by Levi Lincoln, sought to change

*Ford's *Many-Sided Franklin*, 149. Also, Franklin to Price, October 9, 1780; Sparks, VIII, 505.

† 1776.

‡ Notes on Virginia, Query XVII.

the basis of representation in the senate of that commonwealth from property to persons.* Very distinguished were the men who in the Massachusetts constitutional convention of that year opposed that innovation. Most venerable in years and in service among them was John Adams, the author of the constitution which they were called to amend. He asserted that the great object of government is to make property secure, and quoted freely from classic history to show that "by destroying the balance between property and numbers, and in consequence, a torrent of popular commotion broke in and desolated the Republic of Athens." Therefore, to change the basis of representation in Massachusetts would cause a like desolation in that commonwealth. In these opinions President Adams was supported by Justice Story, but by none so ably or so successfully as by Webster, who spoke at length on "property the basis of government." So satisfactory was this speech to Webster, both in its ideas and in its form, that a week after its delivery he incorporated it almost unchanged in his Plymouth oration. The world has long been familiar with this classic. Some leading passages seem now to belong to the political concepts of ancient times. "If the nature of our institutions be to found government on property, and that it should look to those who hold property for its protection, it is entirely just that property should have its due weight and consideration in political arrangements. Life and personal liberty are no doubt to be protected by law; but property is also to be protected by law, and is the fund out of which the means for protecting life and liberty are usually furnished." He therefore concluded that property was the just and proper basis of government.

Against Adams and Story and Webster, Levi Lincoln and his political associates spoke in vain, and their propositions were rejected. Webster's speech was supposed to be unanswerable. The answer slowly came, however, from many voices—voices not like his, commanding the ear of

*Journal of Debates and Proceedings in the Convention of Delegates Chosen to Revise the Constitution of Massachusetts, Begun and Holden at Boston, November 15, 1820, and Continued by Adjournment to January 9, 1821. Reported for the Boston Daily Advertiser. Boston: Office at the office of the Daily Advertiser, 1821.

the nation, but such as the world calls obscure and feeble. For sixteen years these voices gathered strength. In 1836, Webster was paying his respects, as a Senator of the United States, to the legislature which had elected him. An amendment to the constitution was under discussion as he took his seat by the side of the president of the house. A Democratic member was making a vigorous attack upon the idea that property is the basis of government. Had not Webster forever settled that controversy in the convention of 1820? Before he left the chamber the amendment was adopted by a two-thirds vote, and was ratified by the people at the following November election.

In New York, the struggle for the franchise involved the abolition of property qualifications, the shortening of the term of residence to become an elector, and the extension of the suffrage to persons of color.* Tompkins, then fresh from the vice-presidency, in which he had served two terms, was president of the convention of 1821, and the leader of the party favoring the extension of the franchise. It is not wholly correct to construe the extension of the suffrage as the characteristic tenet of the party to which he belonged. There were Federalists and Democrats who opposed the innovation. Such Federalists as Chancellor Kent and Rufus King, members of the convention, opposed what was then called universal suffrage—that is, a suffrage stripped of a property qualification; and they were joined by Martin Van Buren, the famous lieutenant of the most famous of Democrats of this century. These agreed that one branch of the legislature should represent property; the other branch, persons. Opposition to the extension of the suffrage to persons of color was grounded on fear. The admission of the African into the electorate would endanger the state. His loyalty could not be relied on. He was untrustworthy. Rufus King pointed out an obstacle in the way of his exclusion. The Constitution of the United States declares, said King, that “the citizens of each state shall be entitled to all privileges and immunities of citizens

* Report of Debates and Proceedings (August 28, 1821–November 10, 1821). New York: L. H. Clarke edition, 1821; Carter & Stone's edition, 1821. Journal, Albany: Contine & Leake, Printers to the State, 1821.

in the several states." In Massachusetts and in New Hampshire persons of color enjoyed the privilege of voting. So, too, in Vermont. If such a person, a citizen formerly of one of these states, moved into New York, became a citizen there, paid taxes, and obeyed the laws, how could he be excluded from the right to vote? The convention replied by inserting in the constitution a clause enabling male persons of color, qualified by a three years' residence in the state and the possession of property of the value of two hundred and fifty dollars, to vote. For a white man no property qualification was required, and a residence of but one year. The race question had permanently entered American politics. Of course only free male persons of color were included in the extension of this franchise by any of the states. In Massachusetts, New Hampshire, and Vermont slavery had been unlawful for nearly half a century. In other northern states it was lawful in 1820.

Ten years later, in Virginia, the struggle for the franchise was a forlorn hope in the Richmond convention.* Eighty thousand white male inhabitants of the commonwealth were disfranchised by the property qualification in the constitution of 1776. These non-freeholders found expression of their ideas in the resolutions sent up to the convention by the non-freeholders of Richmond. Although not sympathizing with the spirit of this memorial, Chief Justice Marshall, a member of the convention, presented it, and afterward voted against its favorable consideration. Two ex-Presidents of the United States, James Madison and James Monroe, and a future President, John Tyler, were also members. They opposed the abolition of the freehold qualification for the elector. Like John Adams in the Massachusetts convention ten years before, like Kent and King in New York, like all the eighteenth-century statesmen of America, Madison and Monroe drew their premises and their political analogies from the history of the Greek and Italian republics. The separation of government from its true basis, property—and by property was meant land—would destroy the state.

*Proceedings and Debates, Richmond: 1830; Journal, Richmond: 1829.

President Monroe, too feeble in health to continue as presiding officer of the convention, made his last public utterance an expostulation against the extension of the suffrage to non-freeholders. The best evidence of attachment to the country, he thought, was "some hold in the territory itself; some interest in the soil; something that we own, not as passengers or voyagers, who have no property in the state, and nothing to bind them to it. The object is to give firmness and permanency to our attachment. And these (that is, property qualifications) are the best means by which it may be accomplished. These transient passengers may be foreigners. . . . Ours is a government of the people, . . . but the whole system is as yet an experiment; it remains to be seen whether such a government can be maintained." And he thought the extension of the suffrage to non-freeholders too dangerous an innovation to risk. The poor man should be induced to use exertions which would soon obtain for him the right of voting.

But the man on whose words the convention hung was Madison, and he thought that the rights of property and of persons were inseparable. Property was reliable; men were not. If universal suffrage were granted, the majority would not sufficiently respect the rights of the minority. The influential members of the convention supported Marshall, Madison, and Monroe. The petitioning non-freeholders found no advocate so eloquent as their own memorial. They maintained that a man should vote because he is a man. The mere ownership of real estate gave no superior right to the suffrage. The great charter of American government declared "that all men by nature are free and equal and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact deprive or divest their posterity." The venerated author of the Declaration of Independence and of the act of religious freedom had fully set forth the rights of man. Though deprived of their political rights, the eighty thousand non-freeholders of the commonwealth are subjected to all the burdens imposed by it. Though excluded from the polls, they were marshaled on the battle-field. Though they

could not vote, they were good enough to be summoned to the defense of the state and of those within it who exclusively exercised the right of franchise.

Experience had not shown that non-freeholders were a dangerous class. They were the mechanics and artificers in the commonwealth. The denial of the right to vote had forced the young men of Virginia to migrate to western states, where such restrictions were not tolerated. They did not claim that the franchise should be extended to women or to free persons of color. Yet the non-freeholding white men of Virginia were not so favorably situated as free persons of color in some of the western states. Therefore they thought themselves justly entitled to the right to vote. The convention thought otherwise, and the freehold qualification continued in Virginia twenty years more.

The vigorous appeal of the non-freeholders of Richmond suggests an explanation of the cause of that political whirlwind which swept over this country at the time of General Jackson's election.

It was called by those who directed the storm "the uprising of a free people." It was the political prelude to the era of universal suffrage into which the country was passing. Democracy is the government of the people, and not a government of property. Things must be put out of the saddle and man must ride.

But a serious obstacle was in the way. What shall be the law of the franchise in a democracy in which persons are also property? Either persons must cease being property or the principles of democracy must be abandoned.

The bridgeless gulf between Webster and Lincoln is now apparent. Webster believed that government is based on property. This doctrine was first abandoned in Webster's own state and before his own eyes. It never prevailed in any state west of New York. Proportional popular representation has there been made the basis for each branch of the legislature. The only difference in the basis of the two houses is in the size of the districts which the members of the respective houses represent. Property is represented as much in one as in the other.

In the former slave-holding states Webster's basis of

government affected national politics. When the Constitution of the United States was framed, Gorham, of Massachusetts, said that if property voted in the South it should vote in the North. The horses and cattle of Massachusetts should be counted as well as the slaves of South Carolina.

Two-fifths of a slave was property, three-fifths was person. The anomaly was fatal to the long existence of the democracy in which it should prevail. President Monroe's uncertainty of the perpetuity of the Union in 1830 was characteristic of the thought of all American statesmen till slavery was abolished.

In 1835, North Carolina, and in 1838, Pennsylvania, in revising their eighteenth-century constitutions, were compelled to consider the extension of the suffrage to free male persons of color. Pennsylvania refused the extension, North Carolina abolished it, and for the same reason. There was no precedent in either state (though this was denied at the time by advocates of the extension); the state would be overrun by negroes; they were incapable of becoming intelligent citizens; social equality could not be extended to them, and to extend political equality would only precipitate a revolution; they already enjoyed the protection of life and property, and were quite as well off as they could expect to be. If given the franchise, they would become the creatures of designing men, and the state would suffer. Michigan, in 1835, though its convention unanimously agreed on the clause forbidding slavery, with almost equal unanimity refused to extend the franchise to free persons of color. Wisconsin, in 1847, after adopting an abolition clause, submitted to the electors of the state a separate one extending to negroes the right to vote, but it was rejected by nearly two votes to one at the polls.

Illinois, in 1818, and again in 1848, limited the suffrage to white males, though declaring slavery unlawful, and all slave indentures void. Ohio, in 1850, pursued a similar course, and Indiana, a year later, made it a penal offense to encourage negroes or mulattoes to settle in the state; the fines accruing to constitute a fund wherewith the state might transport such persons of color as would consent to go. Tennessee, in 1834, excluded free persons of color as

possible members of her electorate. The western states admitted between 1846 and 1858, Iowa, Wisconsin, California, Minnesota, Oregon, Kansas—all free states—denied the extension of the franchise to the free African. California and Oregon inserted clauses in their constitutions practically forbidding him to come. The North excluded the African from the franchise; the South excluded him from freedom. He was property, and save as productive property, the hand of man was turned against him.* This general condition was held to be morally axiomatic, and expressive of the will of God. It was another emphasis of the presumptuous doctrine, less heard of in late years than formerly—*Populi vox, Dei vox*.

Meanwhile other phases of the suffrage were under discussion. In 1846, the debate began in New York in favor of the extension of the suffrage to women. But so great was this innovation that at this time some members of a convention of women, many of whom were afterward noted for aggressiveness, opposed the election of a woman as its presiding officer. Four years later, a resolution, the first of its kind, was introduced in the Ohio constitutional convention favoring the extension of the suffrage to women. It was too unprecedented a resolution to be treated seriously. Its defenders, seven in number, made no campaign in its behalf. In those days, when coeducation was yet a proposition, and the same education for girls and boys it was prophesied would prove demoralizing, the only speaker to the resolution ventured the opinion that women ought to have an equal opportunity with men to education, to the control of their property, to work and wages, and to the franchise.

The apparently sudden appearance of the woman-suffrage question in American politics, about 1850, is not beyond explanation. It has continued to appear in the northern states, and for the same reasons. The conditions of life in any part of the Union were favorable to its appearance at that time. Women equally with man made the North what it then was and what it now is. Her toil

* See the Constitutional History of the American People, Vol. I, Chapter XII, "A People without a Country."

has helped clear off mortgages from the farm; educate the children; carry on business; manage property; support schools, churches, and newspapers; make social life possible; inspire to larger efforts when times of despondency have come. Woman as well as man developed the great West. There she has shone in all her virtues, and there the franchise was first granted to her.

In how many American homes of to-day are there memories of faithful mothers, and equally faithful sisters, whose unselfish devotion transformed helpless children into self-supporting, self-governing, respected citizens? In American democracy woman has demonstrated her capacity. In the North woman participated in nearly all occupations. She also participated in public affairs; she taught, she lectured, she preached, she wrote for newspapers and magazines, and occasionally she even wrote books. Her writings in 1850 differed widely from her writings at the close of the century. It may be said that, like much of the literature of that earlier time, she was in the age of adjectives. The age of nouns and realism had not come. Wars, the severities of climate, hard labor, intemperance, and a frontier indifference to the laws of health cut off American men. Women, especially in New England, outnumbered the men. This portended an economic adjustment certain to have a political effect, that in the struggle for existence woman must compete with woman as well as with woman and wife. It was a prophecy of woman's industrial freedom, and industrial necessities political freedom.

In 1853, in Massachusetts, a petition signed by two thousand women of the commonwealth was referred by the constitutional convention then in session to its committee on the franchise, of which Amasa Walker was chairman.* The petition asked for the extension of the suffrage to women because they were not represented. The committee in its report begged to be excused from considering the

*Debates and Proceedings in the State Convention, Assembled May 4, 1853, to Revise and Amend the Constitution of the Commonwealth of Massachusetts, Vol. I, 434, 726. See, also, the Letters of Silas Standfast (G. S. Hillard), No. VII, in discussions on the constitution proposed by the convention.

request. The petition, as far as the committee knew, was the first of its kind. Nor would the committee argue the case. There were two hundred thousand women in Massachusetts, of whom but one in a hundred had signed the petition. This all women in the state had been free to do. That they had not signed was sufficient evidence that they did not care to sign. It was the opinion of the committee that the women of the state were already duly represented by their husbands, their brothers, and their sons. And the convention dismissed the petitioners, "having given them a careful hearing."

Meanwhile anti-slavery agitation shook the country. If free persons of color could vote in New England and New York, was not a free, intelligent white woman, possessing property in her own right, as much entitled as a negro to that privilege? And those who believed in negro emancipation in 1850 joined the advocates of woman suffrage. Women as discreet as Lucretia Mott, men as bold as John Brown, as eloquent as Wendell Phillips, and as persevering as William Lloyd Garrison, took up the cause of universal suffrage. At the time of Webster's death, and of the danger that Abraham Lincoln might be nominated to the vice-presidency on a losing ticket, American politics was evolving a new phase, and latent in that evolution was the impending change in the franchise.

Webster passed away with that vision before him that did "sear his eyeballs." It was the fearful vision which had been before him for twenty years—a vision of "the broken and dishonored fragments of a once glorious Union; states dissevered, discordant, belligerent; a land rent with civil feuds, drenched in fraternal blood." His last great public utterance, the 7th of March speech, defended slavery. In principle it applied ideas expressed by him thirty years before, that property, not persons, is the basis of government, and now his application of the principle tended to strengthen slavery. Five years after his death the Supreme Court of the United States, in the Dred Scott decision, carried the political doctrine involved in Webster's idea presumptively to its final judicial interpretation. A negro was property, not person. He was by nature and

under the Constitution and the laws a chattel. He bore that relation to government which a cart or an ox, a clock or a plow bears. By this decision he even lost his claim to three-fifths of personality.

Undoubtedly this decision, more than any other utterance made by any body of American officials down to the day of its delivery, stirred the public mind to an examination of the elements of American democracy. If this decision was true, was there such a thing as a democracy? The word was a misnomer. All white men were slave-catchers, and all slaves were mere personal property. The nation at once detected the moral incongruity of the decision. In the court of the national conscience it was reversed, and its legal effect was soon cut short by the sword.

The war was essentially a contest between two industrial systems, the one of free citizens, the other of slave labor. Lincoln declared himself willing to retain or abolish slavery, in whole or in part, if thereby he could save the Union. His flexibility on the subject seems now almost proof of weakness, but one must not forget that we live after the abolition of slavery, and that our political horizon circumvents a different world than that upon which Lincoln looked in 1861.

The results of emancipation may well cause us to doubt whether the Union could have been preserved in any other way. Lincoln issued the emancipation proclamation by his authority as commander-in-chief of the armies and navies of the United States. It was "an act of justice and of military necessity." It carried war into Africa, but it conveyed no political privileges upon the enfranchised. Political privileges are granted only by the states. The right to vote, it is admitted by all who emphasize the national character of our government, emanates from the states; though many insist that the right should emanate only from the United States. Confusion on this fundamental question remains an obstacle to good government in this country.

As the national army restored civil order in the southern states, opportunity came for the reconstruction of their governments. This occurred in Louisiana in 1864, when its

loyal people elected Michael Hahn governor. On the 13th of March of that year President Lincoln wrote congratulating him on having fixed his name in history as the first free state governor of Louisiana: "Now you are about to have a convention, which, among other things, will probably define the elective franchise. I barely suggest, for your private consideration, whether some of the colored people may not be let in; for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help in some trying time to come to keep the jewel of liberty in the family of freedom. But this is only a suggestion, not to the public, but to you alone."

This was one of the first suggestions from the President that in the reconstruction of the insurrectionary states the franchise should be extended to the negro. In response to this suggestion, the Louisiana convention of 1864, amidst stormy sessions, kept in order with difficulty by its president with the ceaseless co-operation of the sergeant-at-arms, abolished slavery, and empowered the legislature to extend the suffrage "to such other persons, citizens of the United States, as by military service, by taxation to support the government, or by intellectual fitness may be deemed entitled thereto," thus embodying the President's suggestion.

With the cessation of hostilities, other states attempted the work of reconstruction. Of these, all excepting Louisiana refused to extend political rights to the negro. South Carolina not only denied them political rights, but refused to include them in the apportionment of representation, and based apportionment wholly on the whites. By the application of the idea that the right to vote emanates from the state, four millions of persons, comprising more than three-quarters of a million of men twenty-one years of age and over, were excluded from political rights and from representation. The race problem thus assumed a new political cast, and culminated in that counter-revolution which followed the Civil War.

On the 15th of August, 1865, President Johnson wrote to the provisional governor of Mississippi, W. L. Sharkey:

"If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English and write their names, and to all persons of color who own real estate valued at not less than two hundred and fifty dollars and pay taxes thereon, you would completely disarm the adversary and set an example the other states would follow. This you can do with perfect safety, in reference to free persons of color, upon the same basis with the free states." * Mississippi declined to follow the suggestion, though, very curiously, just twenty-five years later the state followed it almost literally, but for a wholly different purpose.

A struggle over the franchise thus began between the Confederate states and Congress, and all the constitutions made in the convention of 1865 were declared by Congress to be illegal and void. The reconstruction acts of 1867, which affirmed that illegality, provided that upon taking the oath of allegiance and having been duly registered, the qualified electors in the designated Confederate states—Virginia being subject to a special act—might elect delegates to constitutional conventions. Each of these could then frame a supreme law for the state in which it was elected, which, if approved by Congress, should become the state constitution. The condition imposed was the ratification of the proposed Fourteenth Amendment, which contemplated the extension of the right to vote to all qualified persons, irrespective of race, color, or previous condition of servitude. Thus the national government compelled the Confederate states to extend the franchise to the colored race, and to include them in the apportionment of representation. The extension was not willingly made by the South. In each of the reconstruction conventions of 1868, except in South Carolina, a firm protest was made. The protest in Arkansas was typical of the feeling then existing throughout the South. The inevitable result of the extension of the suffrage to the negro—so ran this protest†—

* Senate Ex. Doc., No. 26, 39th Congress, first session, p. 229.

† Minority Report of Committee on Election Franchise, February 6, 1868; Debates and Proceedings of the Arkansas Constitutional Convention, 514.

“would be the overthrow of the white man’s government of our fathers, and an erection of an Africanized government in its stead. The negro is not the equal of the white man. In mind and body the differences are striking, numerous, and insurmountable. Four thousand years ago he was exactly what he is to-day. All history demonstrates his utter incapacity for self-government, and his utter want of appreciation of free institutions. But beyond all this, our own experience and the teachings of history inexorably point to this dreadful result. The investing of an inferior race with social and political equality is the stepping-stone to miscegenation, and the consequent utter deterioration and degeneracy of the dominant race. It cannot be denied that political equality (politically that equality resulting from the indiscriminate exercise of the elective franchise) will result in social equality, unless, in the throes and conflicts which will inevitably precede the new order of things, one or the other of the races does not perish from the earth. So marked and odious a change can be only effected after the natural and God-given prejudices of our race have ceased to exist. Peace and prosperity can never result from measures so utterly at war with the instincts and fears of the white people of this state, whilst the investing [of] the negro with the elective franchise is attended with so many dangers and objections.” The protestants could not believe that it would “be the means of shielding the colored man from oppression or wrong,” but would “only aggravate and increase the prejudices of race and precipitate a civil and social war.”

That no expression of this kind came from South Carolina was because its second reconstruction convention was composed chiefly of colored men. In Charleston, in 1868, where eight years before a convention composed of white men only, masters of slaves, had declared the dissolution of the Union, there assembled now another convention, to which some who until a short time before had been slaves were delegates. By the law of the land their former masters were disfranchised and declared incapable either of belonging to the convention or of expressing any opinion of its work by their ballots.

Never before was there so startling a change in a democracy, the former slave making the supreme law for the commonwealth. Orr, an ex-speaker of the national House of Representatives, and an active member of the secession convention of 1860, now provisionally governor, and declaring himself henceforth a Union man, addressed the convention, and urged its members to be magnanimous, to provide for public education and to prescribe educational qualification. He told them that they did not represent the intelligence, wealth, or virtue of South Carolina, and that they did not possess the confidence of its people—meaning the white population. He might have added that were it not for the national troops patrolling the state and guarding the convention, the white inhabitants of the commonwealth would quickly have dispersed the delegates (nicknamed “the menagerie” by the whites) at the point of the bayonet. But this he did not say. The convention completed its work in peace, and the constitution which it framed continued the supreme law of South Carolina until 1896. The suggestions of the governor respecting education and magnanimity were carefully followed, but no educational qualification was required of the elector. One was proposed, and discussed at length, but the delegates took their stand on the proposed Fourteenth Amendment, on the reconstruction acts of Congress, and on their personal fears. One member epitomized all objections; the colored race had been disfranchised two hundred and fifty years in America, and now negroes were going to vote.*

The history of South Carolina since 1868, and its later apportionment, especially in the notorious gerrymander of the First and Seventh, or “tide-water,” districts, emphasize one interpretation of Franklin’s major premise in government—that the constitution of a state is determined not by its language, but by its administration.

Congress finally approved the constitutions of 1868 submitted by the southern states, and soon after admitted their Senators and Representatives. A “civil and social

*See Proceedings of the Constitutional Convention of South Carolina, January 14-March 17, 1868, Charleston, 2 vols. Charleston: 1868.

war'' had followed. But the struggle for the franchise was not over in the South. In 1890, Mississippi promulgated a new constitution; the openly avowed purpose in making which was to disfranchise the negro and to secure white supremacy forever in the state.

Several plans were submitted: a plural suffrage, based upon property; a property qualification of two hundred and fifty dollars; an educational qualification like that proposed in 1865 by President Johnson, save that the constitution to be read should be the constitution of Mississippi; total exclusion of the African race from the suffrage, and the proportional relinquishment of representation by the state in Congress; and woman suffrage.

During the debate on the suffrage, Judge Crisman said to the convention: "It is no secret that there has not been a full vote and a fair count in Mississippi since 1875—that we have been preserving the ascendancy of the white people by revolutionary methods. We have been stuffing ballot-boxes, committing perjury, and here and there carrying elections by fraud and violence, until the whole machinery for elections was about to rot down." A property qualification was rejected because it would disqualify as many whites as blacks. An educational qualification was adopted, after much opposition: on and after the first day of January, 1892, every elector, in addition to the qualifications of registration, of poll-tax payments as proved by a receipt, of age and residence, "shall be able to read any section of the constitution of this state, or shall be able to understand the same when read to him, or give a reasonable interpretation thereof." * The election officer who should decide on the reasonableness of the interpretation was to be appointed by the governor.

Public opinion condemned this clause at the time of its presentation, but the convention adopted it, and it escaped defeat largely because the constitution was not submitted to a popular vote.

* *Daily Clarion-Ledger*, Jackson, Mississippi. September 9, 1890, and editorials in same, September 11th and 12th. At this time there were 110,113 white and 130,607 colored electors in the state. See table, *Clarion-Ledger*, August 18, 1890.

The extension of the suffrage to women* was seriously discussed with the understanding that it would increase the white vote in the state thirty thousand. The objections to the innovation in Mississippi were characteristic of prevailing social sentiments. The ballot-box, it was said, would humiliate women; election scenes in Mississippi were too disgusting even for men. Woman suffrage was an ugly heresy, repulsive to southern chivalry. It would be a corruption of women. Let it be left for coarser and more vulgar states; it should not blot the fair name of Mississippi. The white women of the state did not want it, and in estimating the possible advantages to be derived from it, a few stubborn facts ought not to be forgotten. There were eighty-five thousand more colored than white females in Mississippi, of whom no small portion possessed property and could read and write. Every colored woman, qualified to vote, would surely vote, while thousands of white women could not be induced to mingle with the masses of men and women, white and black, in the ugly duties of voting.

The suffragists replied to these arguments that it would be no more degrading for white women to be granted the franchise along with the black women than to stand powerless by their side, with insane persons, idiots, and Indians not taxed, with which motley crowd the women of the state, by its suffrage laws, were identified. To the objection that women had not asked for the suffrage, it was answered that neither was there any record of her asking to be accorded the right of controlling her own property; nor that the father of her children, lawful or baseborn, should be compelled to aid in their support; nor that the infamous law permitting a man to whip his wife with a rod not larger than his thumb should be repealed; but that there was no doubt of her sentiments on these subjects. To claim that if women were allowed to vote, the negro women would avail themselves of it more freely than the white, was a poor compliment to civilized Saxon women; it was asserting that they were less interested in affairs of

*For the debates and current opinions on woman suffrage at this time, see the *Clarion-Ledger* for August 21, 25, 28, 30; September 1, 8, 9, 10, 11, 22, 25, 1890.

government than those daughters of ignorance and barbarism. It had been said, too, that if woman was granted political rights, she would be compelled to perform military duties, which was an aspersion upon her who, at the peril of her life, brought forth noble sons. These could be relied on for repaying that debt by fighting for her.

An influential journal in the state declared that the introduction and consideration of a clause in favor of woman suffrage had weakened public confidence in the ability of the convention to grapple successfully with the grave problems before it, chief of which was the franchise. The extension of the suffrage to woman as a means of maintaining white supremacy in the state was declared to be a *dernier resort*, a sacrifice made on the ground that the end justifies the means and that necessity knows no law. Could not the white men of the state maintain that supremacy alone?

In other commonwealths woman suffrage had been advocated and adopted as a means for repressing vice and immorality; for securing the control or the prohibition of the liquor traffic; for obtaining equal wages for equal work; for admitting woman to industrial and professional opportunities equal to those open to men. In Mississippi the principal argument for her admission to the body of voters was, as a last resort, to maintain white supremacy—an argument which was abandoned when, upon examination of the census, it was discovered that her admission would not secure this result. It was asked at the time whether, had there been more white than black women in the state, would woman suffrage have been adopted?

With the extension of the suffrage to all persons, irrespective of race, color, or previous condition of servitude, other critical modifications of electoral qualifications were made. The Fourteenth Amendment to the national Constitution obliterated the word "white" from the state constitutions. At the time of its adoption only six states had conferred the franchise on persons of color. Congress, with absolute authority over the District of Columbia, had never conferred it. The Wade and Davis bill, the only congressional plan for reconstruction in 1866, did not include negro suffrage. The extension of the suffrage to

the African was in obedience to grinding necessity—the necessity, eloquently expressed by President Lincoln, of the help of the negro, “in some trying time to come, to keep the jewel of liberty in the family of freedom.”

From 1860 to 1890, the qualifications of the electors in this country were further modified in many of the commonwealths by the requirement of registration for voters, by requiring an educational qualification in three states, and by reducing the time required to gain a legal residence in nearly all. This reduction of the required term of residence was in response to the interstate competition for immigrants. If Michigan required two years and Wisconsin but one, immigrants would pass on to Wisconsin. In the eighteenth century twenty-one years were required in which to gain a residence. At the close of the nineteenth century it does not require half as many minutes, for in fourteen states a man who declares his intention of becoming a citizen may vote. Efforts have been made to disfranchise electors for drunkenness, for gambling, for horse-racing, and for grossly immoral conduct. The disfranchised by law are minors, idiots, insane, bribe-makers and bribe-takers, duellists, persons convicted of crimes, Indians not taxed, and in most of the states, women.

From 1850 to 1890 was a time of woman suffrage agitation. In eighteen states, including two of which were formerly slave-holding—Louisiana and Tennessee—women were declared to be eligible to school offices. In several of these eighteen she was authorized to vote on specific questions or in particular elections—such as a school question and in municipal elections. The agitation was most vigorous in 1889, when six new states framed their constitutions, and again in 1890, when two old states, Kentucky and Mississippi, made new ones.

It has been the tactics of the woman suffragists to incorporate a direct grant of the suffrage to woman in a constitutional provision, or to incorporate a clause empowering the state legislature to extend the suffrage to her at any time, or to submit a constitutional amendment for that purpose to the people. The first method succeeded in Wyoming; the second, in Idaho; the third, in North Dakota.

When, in 1853, Amasa Walker's committee begged to be excused from considering so novel a proposition as woman suffrage, probably no white woman had ever seen that region of our country now called Wyoming. It was organized as a territory in 1868, and upon its admission into the Union, twenty-one years later, it declared, in its bill of rights, that—

“Since equality in the enjoyment of natural and civil rights is made sure only through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency or unworthiness duly ascertained by a court of competent jurisdiction”; and in its article on the franchise:

“The rights of the citizens of the state of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political, and religious rights and privileges.”

These constitutional provisions received an administrative definition in a concurrent resolution passed unanimously by the Wyoming house of representatives, just before adjourning in 1893,* a resolution which is the very ecstasy of propagandism. These resolutions declared that the possession and the exercise of the suffrage by the women of Wyoming for a quarter of a century had wrought no harm, but had done great good in many ways. It had largely aided in banishing crime, pauperism, and vice from the state, and had accomplished this without any violent or oppressive legislation; it had secured peaceful and orderly elections, good government, and a remarkable degree of civilization and public order. After twenty-five years of woman suffrage, the legislature pointed with pride to the facts that not a county in Wyoming had a poor-house, that its jails were almost empty, and that crime, except that committed by strangers in the state, was almost unknown. As the result of this experience, every civilized community was urged to enfranchise its women without

*Broadside copy of the resolution, 1893.

delay. A copy of the resolutions was sent to the governor of the state, to the legislature of every state and territory in this country, and to every legislative body in the world. The press in every country was requested to call the attention of its readers to the resolutions.

One of the three Republican presidential electors of Wyoming in 1896 was a woman. The woman suffrage agitators in New England and New York in 1846 had not anticipated so much as this. A few women who began the woman suffrage movement survived the half-century of agitation. Rarely has so significant a social and political change occurred within the lifetime of those who first demanded it.

The objections to woman suffrage and the arguments for it in Mississippi in 1890, and the concurrent resolutions of the Wyoming legislature in 1893, are perhaps equally suggestive of the character of the whole struggle for the franchise in this country, which in the nineteenth century, won two imperial domains—the extension of the franchise “to all persons, irrespective of race, color, or previous condition of servitude; and the extension of the franchise to women.” The first was done by the nation as an act of justice and of military necessity, “to keep the jewel of liberty in the family of freedom”; the second was done by the commonwealths as a necessary political recognition of an economic condition.

Some one may inquire whether the enthusiastic resolution of the Wyoming legislature on woman suffrage was a new voice in the world, or only the echo of similar resolutions in political platforms of a generation earlier, when negro suffrage was the propagandism of political optimists. Has negro suffrage solved the race problem? Will woman suffrage solve the social problem? Experience has not yet answered. The franchise device has not been suffered to work perfectly in all parts of the country.

During the struggle for the franchise, from the Revolution to the compromise of 1850, religious and property qualifications were nearly all abolished; the time required to gain a legal residence to vote was the time required to make a declaration of intention to vote; educational and

poll-tax qualifications did not meet with popular approval; registration for voting was inaugurated.

The basis of government by public consent shifted from property to persons. Jefferson's ideas of manhood suffrage steadily gained ground. Hamilton's idea of identifying the interests of the citizens with the interests of the national government preserved the Union, as it had made the Union possible. Webster's great speeches placed American institutions for the first time in the world's literature. Experience demonstrated Franklin's wisdom in affirming that the test of a government is its administration.

The struggle for the franchise was one for the more perfect union, inasmuch as it justly increased the sovereign American electorate. The fact of the nation rested on the recognition of universal suffrage.

And what meant universal suffrage? That every person of sound mind, and of the age which common custom fixes as the time test of responsibility, should freely, fully, potently express his ideas for his own and for the general welfare. To enfranchise man is to give liberty to the mind, and to let the world have the benefit of ideas. Nations rest upon men; men upon ideas. The franchise is a political device by which ideas may be known, counted, weighed, and applied. In the evolution of government we are now in the franchise process. The device is practicable, and when fairly used, serves a large purpose in democracy. But on the last analysis it is only a device. The grand purpose in the struggle for the franchise is not to win a piece of political mechanism, but to win freedom of thought and political morality—to establish the republic of ideas. The device itself is the political compliment which in the evolution of democracy is paid to the thoughtless. The apology for the device declares that its extension tends to make men and women thoughtful. While the laws regulating the elective franchise were becoming more liberal, the subjects of these laws, the people, were overspreading the country and transforming it into a settled area. Their migration had much to do with the forms of local government set up. In the next chapter we will follow them in their migration.

CHAPTER XXXVIII

THE HUNDRED YEARS' MIGRATION

1800-1900

The history of men is largely of their migrations, which in ancient times were of tribes and nations; in modern, of individuals and ideas. No undiscovered countries remain; nations, like the Teutons of old, no longer forsake their ancestral homes to make new ones in the wilderness, or in a conquered country. Henceforth it is ideas that migrate. Systems of thought, political concepts, laws, municipal rules, customs, and constitutions, wander as it were, from commonwealth to commonwealth, and less frequently and less obviously, from nation to nation. Though the world is now mostly private property, ideas migrate more freely than ever before. Peace and progress are gradually reducing the tariff on ideas.

The migrations of tribes and races in early times in Europe have long been the study of sociologists; similar migrations in America have scarcely attracted attention, though these afford abundant and authentic data for our consideration. Perhaps the neglect of them by sociologists is another illustration that human institutions which are most remote and obscure are easiest understood. An exhaustive census, made by national and state authorities for a hundred years, supplemented by a vast mass of county, municipal, and private records, and the records of many institutions and societies, are material for the study of the social and political institutions of this country. If such a mass of evidence existed for primitive or mediæval times in Europe and Asia, it would be cherished and pondered by sociologists as part of the choicest inheritance of the ages. Within our own country there has been presented, within the short space of a hundred years, a spectacle unparalleled in history. A composite population, increasing from less

than four millions to more than seventy, took up the continent from the Atlantic to the Pacific, from the Great Lakes to the Rio Grande, and at the close of the century entered upon the exploitation of Alaska; an area of operations extending over nearly four millions of square miles of territory.

They swiftly displaced and nearly obliterated the native races, which, unsurpassed in fighting qualities, at the time when the migration of the conquering race began twice exceeded in numbers the voting population of the United States. They organized forty-five commonwealths, each governed by a written constitution and written laws. Of one hundred and fifty-two constitutions proposed, thirty-eight were rejected by the people. During this century of migration, the laws accumulated in more than three thousand printed volumes, and also a body of interpretation, in an equal number of judicial reports. At the beginning of this migration, one person in thirty dwelt in a city; a century later, one in three dwelt there. More than fifteen millions, alien-born, merged with the native stock, and at the close of the century this alien accession comprised one-seventh of the population. An unparalleled political enfranchisement extended the right to vote, which in 1796 reposed in only one-twentieth of the population, but a century later, in one-sixth of it—the nearest approach to universal suffrage in history. At the beginning of this migration, one-sixth of the population consisted of a race stolen from another continent and held in slavery; a century later this race constituted one-sixth of the population, and by the supreme law of the land was entitled to all the civil and political rights and immunities of citizens; a change unique in human experience. Nor were these changes all. The lines of migration, which for the greater part of the century ran only east and west, changed their course during the last thirty years of the nineteenth century, till they ran freely from state to state in all directions. No longer was migration to be under political duress; the courses of thought and travel and trade were to run unvexed. Native and foreign born alike at last had the country before them wherein to choose their homes. This

freedom of choice was unparalleled in human history. But these unique features of American civilization, and all that they imply, were after all only phases in a social evolution.

The population of the American colonies was scattered along bays and rivers; the highlands remained a wilderness. Rather than take up a highland farm, a family migrated to a more remote valley. Thus the Berkshire Hills were passed by emigrants from the Connecticut Valley, who settled along the Hudson and the Mohawk. The tide-water region was first occupied, and it still remains the most populous part of the country. By the middle of the eighteenth century, colonization ceased, and immigration also, and seventy years slipped by before immigration started again. This period, from the days when the capture of the French stronghold, Louisburg, by the New England militia was recent news, to the days of the Missouri Compromise, was the procreative age of American institutions. Men and things became distinctively American, and the native stock gained permanent control of the political destiny of the country. It was the one period of our native Americanism. Our political institutions were then molded by native hands. The colonies became commonwealths; the confederation a nation, whose supreme law was anchored to native ideas and was strengthened by Anglo-Saxon precedents. At the expiration of this seventy years, population had overrun the original area of the Union; had founded two states across the Mississippi, and was demanding the rich Indian lands along the Red River, the Missouri, and the Platte.

Foreign immigration then began; yet in ten years after the admission of Missouri not more than one hundred and fifty thousand foreigners arrived.* During the next decade half a million came,† and in the following, nearly eighteen hundred thousand.‡ About two and a half millions thus merged with the native stock, and men of foreign birth began to figure in our civil affairs. The state legislatures

* 1820-1830.

† 1830-1840.

‡ 1840-1850.

and Congress were most accessible to them; a few were chosen delegates to constitutional conventions; many served in local offices. But they were usually more American than the Americans.* They knew little—usually nothing—of European methods; they had sentiment, but little love for the old country. The whole body of officials of foreign birth in the country, therefore, tended to intensify native Americanism and to continue the eighteenth-century character of our institutions.

Toward the close of the nineteenth century, the extent to which naturalized citizens were chosen to office was probably best illustrated in the membership of Congress. In the fifty-third,† three Senators and twenty-one Representatives were foreign born. One of the Senators from Florida and Nebraska was of English birth; one from Michigan, of Canadian. The House, consisting of three hundred and fifty-six members, included seven natives of Ireland, five of whom were from New York; one came from Pennsylvania, and one from Michigan; four natives of Germany came—one from Minnesota, one from Missouri, and two from Wisconsin; two natives of Canada came—one from Indiana and one from Ohio; two of New Brunswick—one from Kansas, one from Michigan; one of Ontario, from Minnesota; one of Scotland, from Iowa; one of Austria, from Illinois; one of Hungary, from Nebraska; one of Norway, from Minnesota; one of England, the Speaker, Charles F. Crisp, from Georgia; and one, born a slave, from South Carolina. There have been thirty-two speakers of the House. Mr. Crisp was the only one of foreign birth.

Nearly all these naturalized citizens who became members of the fifty-third Congress came to this country in early childhood in the great migration that followed the European revolutions of 1848. It is worthy of notice that they were chosen in northern states, chiefly in the old Northwest, where a vigorous foreign stock largely controls

* For an account of the extent and influence of this native Americanism, see my *Constitutional History of the American People*, Vol. I, Chapters II, III, VII, XIII, XV; Vol. II, Chapters I, V, IX, XV.

† Convened December 5, 1892.

politics. Seldom did a southern state send a naturalized citizen to Congress. Speaker Crisp's career may be said to have been without a parallel in the South. There, native Americanism has ever been a dominant, if not a commonly recognized power, much as it has been in New England. In the South, it was engendered largely by racial preferences; in New England, by class distinctions and racial prejudices. With the disappearance of the New Englander from New England the distinctions there gradually broke down, and probably the time is at hand when a native of Canada or Ireland may represent a New England district. This augurs that public servants of foreign birth are likely to increase during the first half of the twentieth century, and approximate that proportion which the foreign-born population bears to the native-born.

From 1776 to 1821 the southern states adopted twelve constitutions, and the northern seventeen. The men who made them, with few exceptions, were native-born or citizens at the time of the Revolution. They were like the people for whom the instruments were made. While yet the smoke of the battle of Yorktown was hanging on the horizon, migration set in, westward, from the Carolinas into Tennessee, from Virginia into Kentucky, and from New England, New York, and Pennsylvania into the region soon to be known as Ohio. Thither along the river also came many from Virginia and Kentucky. The effect of this first migration from the old states was the admission of Kentucky in 1792, of Tennessee in 1796, and of Ohio in 1802. The veterans of the Revolution were largely paid in land-scrip, which many of them sold for a trifle. The first clamor for public lands then began, but was partly smothered for ten years by the presence of powerful and hostile tribes along the frontier—the Creeks, Choctaws, and Chickasaws in the southwest; in the northwest the feeblar tribes that had gathered under Pontiac, and soon were to gather under Tecumseh. For ten years the tribes north of the Ohio struggled to hold their lands. Behind the little army under Harrison was the impatient mass of immigrants waiting to rush in when victory came, and to take up the conquered territory.

In 1811 victory came at Tippecanoe, and two years later at the Thames. Then the flood of population poured in and changed the wilderness to states. Indiana was admitted in 1816, Illinois in 1818, Mississippi in 1817, Alabama in 1819; for Jackson had done for the southwest what Harrison had done for the northwest. They had their reward; the people were grateful, and for once had long memories. Jackson and Harrison were the first pre-eminently popular men of the nineteenth century. Their services in opening up the West won each the presidency and a popularity that continued till death. Indeed, their popularity has invaded posterity, although few in our day would be able to explain the cause. It was like the popularity that attended Fremont, "the Pathfinder," and Custer, the Indian fighter, in later times. Just ahead of population, as it has moved westward, there have arisen great leaders and popular heroes who have aided the millions who were seeking homes in the Indian country. It was because he stood for a great moral migration that Lincoln became the most popular man of the century. He, it will be remembered, was a product of the frontier, though in our day his biographers are quite given to emphasizing that the West which knew Lincoln and which Lincoln knew was of quite as settled a character as the older East. The history of the frontier is a principal chapter in American politics.

The acquisition of the Louisiana country made the United States a continental power, a peer among the nations, and the paradise of the surplus population of Europe. Discriminating legislation alone prevented its becoming another flowery kingdom. Louisiana, admitted in 1812, comprised at that time a few old French settlements and the advance-guard of a heavy migration from Kentucky and Tennessee, with a few pioneers from the Carolinas, Georgia, and the Floridas. The second decade of the century was over when population was converging in the Missouri territory about St. Louis. As yet the movement was principally over waterways, of which the chief was the Ohio River. Missouri was admitted in 1821. Maine, associated with it for political reasons, had been

admitted in 1820. When in 1812 Jackson and Harrison had broken up the tribes which yet remained east of the Mississippi, it was supposed that the day was far distant when immigration would seek to cross that river; but the tribes were no sooner transported into what was called the Indian country than, though its possession had been guaranteed to the Indians by treaty, the restless and aggressive frontiersmen demanded lands along the Missouri.

The admission of Missouri was followed by another decade of wrestling with the Indians, and population gradually crept along the banks of the western tributaries of the Mississippi. Arkansas was admitted in 1836, with a population chiefly derived from the adjoining states. Michigan followed the next year, with a population almost wholly from New York, Pennsylvania, and Ohio, though with many from New England. Less than half a million foreign-born were in the United States at this time, and few of these were found as far west as Michigan or Missouri, and none as far to the southwest as Arkansas. They located chiefly in the old states of the North. Most of them went to the large cities and towns and engaged in the new industrial enterprises of the country, thus supplying our first imported skilled labor. The pressure of population was not sufficient yet to force these newcomers to take up the public lands. A struggle for land, lasting ten years, followed the admission of Arkansas and Michigan, and was intensified by the passion for slavery extension. Texas and the California country were coveted for slavery as a balance to the vast region north and northwest of Missouri. Foreign and native immigration in the North, and slavery extension in the South, were the forces contesting for the possession of the field. Again there was a truce. Florida and Texas were admitted in 1845, Iowa in 1846, and Wisconsin in 1848. The races were again up to the frontier, and they faced the heart of the country apparently with equal chances.

But the free states exceeded the slave in population, and the excess had always given them a majority of the members of the House. In 1790 the majority was five; in 1820, twenty-three; in 1848, forty-eight. Not as yet was

there a solid North. The population of the new states plainly showed the course of ideas. The people of Texas were mostly from Kentucky, Tennessee, Alabama, Mississippi, Missouri, Arkansas, and Louisiana, with Spanish-Mexicans, but no immigrants from Europe. Iowa and Wisconsin were settled from New England, the middle states, Ohio, Indiana, and Illinois, with a few from Michigan. From 1841 to 1850 above seventeen hundred thousand aliens arrived, and a large number of these, by means of the trunk lines then in effective service for the first time, immediately passed on to Iowa and Wisconsin. In this migration was a strong German element. As the middle of the century was reached, population reached the middle of the continent. To the west of New England, New York, and Pennsylvania was a group of young states reflecting the institutions of the elder; it was, in a sense, New England from Cape Cod to the Nebraska Territory, and the Old Dominion from the Potomac to the Rio Grande. Thus far the chief motive in migration had been cheap land, for farms in the North, for plantations in the South.

Suddenly the news of the discovery of gold in California passed through the land. At a bound the frontier moved from the banks of the Missouri and the Rio Grande to the banks of the Sacramento, thirteen hundred miles. In less than two years two hundred thousand men were there, representing every country, every state, every territory. Gold was reported in other parts of the California country, and before the new half-century began, California was a state, and Utah and New Mexico territories. Population was diverted from its established courses. Instead of pushing farther into the valley of the Missouri, it turned that region into bridle-paths and sought the Pacific slope.

No state was in political readiness to be admitted with California. It came alone, suddenly, a free state, created from the wilderness without territorial probation. If Congress refused to admit it, the California country—which was a region more than ten times larger than New York—might declare its independence and form a rival republic.

The northern and southern streams of population first met north of the Ohio River. From 1800 to 1818 they

flowed side by side there, but did not merge. To this day the line dividing the New England from the Virginia zone in these three states is plainly traceable through their south-central portions. In 1820 the streams met in Missouri, but the one from Virginia was the more powerful. Now, for the third time, the streams of migration met, but disappeared like some western rivers when they touch the prairie, reappearing not again till they burst forth in California.

Here mining, not agriculture and the competitions of skilled labor, made new economic conditions. The state, unlike the thirty-two which preceded it, was composite. Its population was cosmopolitan, and in its composition a sign of the times.

The great immigration from Europe into the United States now set in.* By 1860 more than two and a half millions of immigrants arrived, and for the first time the greater portion hastened on to the newer states. Had it been possible it might have gone to California, but the perilous overland route was an injunction on migration; the route by the cape and isthmus was too expensive. Railroads made it possible for all to reach the heart of the country, and a road to the Pacific was now planned. Unable to cross the plains, the eager population resumed the old struggle along the frontier. Again the Indians were pushed back. Minnesota was admitted in 1858, and Oregon in the following year. The free states in the Mississippi Valley now began competing for population. That of Minnesota was from the states immediately to the east, even to New York and New England. But Minnesota led the country in its proportion of foreign-born. Oregon was made up of a population that had come to the coast for gold, but had found commerce and farming more profitable. Many had come from Missouri and Kentucky. It was a southern state in the Northwest. Again population converged, and Kansas was the result. Its population was about equally divided between northerners and southerners till slavery agitation stimulated immigration to it from the free states. Its admission in 1861 was coincident with the

* 1850.

outbreak of that mighty economic revolution which adjusted the industrial balance in the western world.

For nearly forty years the inhabitants of the western counties of Virginia (in 1861-62 forty-eight in number) had been agitating organization as a state. Though of the old stock of Virginia, they were economically a different people. Their country sloped to the west; their commerce was not with the tide-water country. The exigencies of national preservation hastened the work of forty years to a conclusion, and West Virginia was admitted in 1863. Nevada, admitted in the following year, was also a political accident; created a state out of the Territory of Utah in order to strengthen nationality. Its population was chiefly an overflow from California. It was the second composite commonwealth in the Union. War did not interrupt the coming of aliens from 1860 to 1870. Two millions and a half found homes here during these years, of whom the greater part settled in the Mississippi Valley. Nebraska, admitted in 1867, was settled from states to the east, but one-fourth of its people were foreign-born. By 1870 the states to the east had sent about eighty-two thousand native Americans to this new commonwealth alone.

The movements of population after 1867 followed new as well as old lines. The abolition of slavery opened the South to immigration, and many northern men went there for permanent homes. This old part of the country was economically new, and deflected many immigrants from the Northwest. Another decade of Indian wars followed, during which the hostiles were gradually forced into smaller and more remote reservations, but the pressure of population, which means the clamor for cheap lands, stimulated an ever eager, ever increasing, and ever restless multitude, along the frontier and all along the eastward, to the arriving steamers crowded with immigrants, to demand that the reservations be opened to actual settlers. On the day that marked the centennial of American independence, Colorado, the third composite commonwealth, became the thirty-eighth state of the Union. One-fifth of its people were foreign-born.

Thirteen years of Indian warfare then followed. The

remnants of many tribes, and the fiercest of all, were now at bay. The war was relentless, and one practically of tribal extermination. During these years nearly eight millions of immigrants arrived, and nearly half a million went directly into the Far West, tempted by cheap lands and the railroad facilities for reaching them. Into the region still under territorial organization came a constant stream of settlers from Ohio and states to the west and northwest of it. California and Oregon, Nevada and Utah now sent thousands into Washington, Idaho, and Montana. These were admitted in 1889; the Dakotas, also, after six efforts, were admitted in that year, and the President signed the act admitting them in such a manner that the two states became members of the Union at the same moment. Idaho and Wyoming were admitted in the following year, and Utah in 1896. The native population of all these new members fell slightly below a million, of which the greater portion came from the northern states. The Virginia influence just fell short of this northwestern group.

The constituents of the population of Dakota in 1880 illustrated the sociological character of the two states into which it was divided, and also substantially the character of the remaining states in the group. Dakota had received 52,700 persons from states north of Maryland and east of the territory, and from states south of Pennsylvania and east of the Mississippi, 2,200; from the region west of Dakota and north of Indian Territory, 1,100, and from the remainder of the United States, 2,000; 17,800 persons were natives of the territory. Of the natives of states and other territories, 71,596 were born in that part of the country which may be called the New England-New York belt; and 11,786 were natives of the Virginia belt. The foreign population consisted of 51,795 persons, of whom all except 600 came from parts of Europe north of the latitude of Venice. Montana and Washington contained similar constituent elements, except that there was a larger proportion of population from the south-central and southwestern states. Kentucky, the first new state, was admitted in 1792; Utah, the last, one hundred and four years later. It was expected that before the century closed New Mexico,

and possibly Arizona, would be admitted. Both are essentially a Spanish remainder with reinforcements from the states.

The struggle for cheap lands intensified rather than abated after the admission of the new northwestern states. The once vast Indian country had shrunk to a fraction of the Indian Territory. Oklahoma was the last piece of transfer of title, and the entering wedge that must ultimately split the Indian Territory into states. When these territories are admitted—or even before that time—the process of multiplication by division will begin. Scarcely a state in the Union is an economic unit. West Virginia suggests west Tennessee, west Montana, west Washington, west Wyoming; North Dakota suggests north California, north Idaho, north Minnesota, north Michigan, north Missouri, north Wisconsin, north Georgia. It was supposed more than half a century ago that long ere this Texas would be divided into at least five states. The principle which in the future will cause the subdivision of the states will not be, as it has been in the past, almost purely political, but industrial and economic. All the old states are political units in theory, but most of them comprise an eastern, a central, and a western interest, as Massachusetts, New York, Pennsylvania, Tennessee; or a northern and a southern, as Ohio, Indiana, Illinois, New Jersey, Georgia, Alabama, Mississippi, Missouri, Minnesota, and California. Most of the states are too large for local government of the best kind. Peace and industry will gradually break up the present political units into economic units, with interests administered on the principles of American government, but with a social efficiency of which the tendency of American politics is the sign.

Of the sixteen millions of foreigners who settled in the country during the century, about one-half were living at its close, and more than four-fifths of these resided in northern and northwestern states. Slavery deflected them from the southern states for seventy years, and racial prejudices continue to divert them, in large measure, from that portion of the country. The consequence has long been perceptible in the apportionment of congressional

representation among the northern states. Of this accession from foreign lands, nearly five millions came from Germany and settled north of Mason and Dixon's line, from the Atlantic to central Dakota, and most densely in the states of the old Northwest and Minnesota. More than three millions were from Ireland, and they, too, settled within this northern area, but most densely in the older states and near the Atlantic seaboard. They comprise a large proportion of our urban population. A million and a half came from England and Wales, and they are somewhat evenly distributed over the country.

A million Norwegians and Swedes located in the northern belt, and chiefly in its northwestern portion, Wisconsin, Minnesota, and North Dakota, the climate of which is like that of their native land. An equal number of Italians, a contribution of the last twenty years of the nineteenth century, inhabit the cities and towns of the country, chiefly in the Atlantic basin, but they are found in increasing numbers in southern New Jersey and central Illinois. A French migration of less than half a million has mingled with the urban population along the Atlantic. Slightly less numerous than the Italians were the Russians and Poles, who largely supplied labor for railroad operations and public works. On the Pacific slope three hundred thousand Chinese remained "an unabsorbed and unabsorbable element." The Swiss, Danes, and Netherlanders, about half a million in number, scattered over the country, and chiefly engaged in farming. The line that divides the native from the foreign portion of our population is the line that divides the area largely occupied by people of the African race from the remainder of the country. North of this are few negroes; south of it few immigrants.

Great as was this foreign immigration, it fell far below the native migration in numbers, extent, and influence. Swarm after swarm left the old hives; first leaving the thirteen original states; later, the tier along their western border, Ohio, Kentucky, Tennessee, Alabama, Mississippi, and Louisiana; later, the tier to the west, Illinois, Indiana, Michigan, Missouri, Arkansas; later, these last states for the newer ones. These migrations occurred in the

order named, about fifteen years apart, and with each new swarm from a young state there came another from the old, so that our domestic migrations were contemporaneous and constant.

Several dominant causes accelerated this migration; cheap lands, equal rights and immunities as guaranteed under the national Constitution, and the facilities for transportation. The latter cause was combined with cheap lands, for the national government subsidized western railroads with a gift of public lands aggregating an imperial domain three times as great as the area of the original thirteen states as they are to-day. Hundreds of thousands went west by wagon, but millions went by rail. The old line of the Missouri Compromise divides the northern and southern streams of population westward. In the twenty-one states north of this line there resided at the close of the nineteenth century nearly eight hundred and twenty-five thousand natives of New York, and in New Mexico, Arizona, and Oklahoma, about five thousand more. Within this vast area resided less than half as many who were natives of Virginia, and few Virginians were found in Michigan, Wisconsin, Minnesota, the Dakotas, and Washington. Next in proportion of natives of other states within the New York area were those of Pennsylvania, Ohio, Illinois, and New England, and within the Virginia area those of Kentucky, Tennessee, Missouri, the Carolinas, and Georgia.

The hundred years' migration in America presents many unique features. Most impressive was the transformation of an almost unexplored continent into forty-five commonwealths within the short period of a hundred years. Interesting and suggestive as was this migration of men from all climes, it was less interesting and less suggestive than the migration of ideas recorded in the constitutions, the laws, and the social institutions of the country.

CHAPTER XXXIX

AMERICA IN OUR OWN TIME

1860-1900

At the close of the nineteenth century the population of the United States numbers nearly seventy-five million (over twice that in 1860), and the city population is now one-third of the whole. In 1860, the cities contained only one-sixth of the population. In 1800, the area of the United States was 830,000 square miles; in 1900, it is 3,602,390 square miles, exclusive of Hawaii, Porto Rico, and the Philippines, or nearly four and a half times greater. Since 1860 twelve states have been admitted to the Union: Kansas, 1861; West Virginia, 1863; Nevada, 1864; Nebraska, 1867; Colorado, 1876; North Dakota, South Dakota, Montana, Washington, 1889; Idaho, Wyoming, 1890; Utah, 1896.

The Union of forty-five states is now closely bound together by common sentiments, by common interests, by business relations, and by the mechanical conveniences of railroad and steamboat lines, the post-office, the telegraph, and the telephone.

The part of our country first explored, settled, and organized under civil government by Europeans was naturally along the Atlantic coast. Its harbors and rivers gave an easy entrance to the ships in use by the settlers, which seldom drew over six feet of water. Thus it came about that our oldest towns, as in most countries, are near the sea.

The region from the Atlantic coast to the crest of the Appalachian Mountains, long called the Atlantic plain, is narrowest in Maine and widest in Georgia. At the time of its first settlement it was an unbroken forest, chiefly of the many varieties of pine, oak, beech, and maple, and wild fruit-trees. The great number of its rivers flowing to the sea

made the entire region easy of settlement. The Indians were numerous and fierce, but they never succeeded in preventing the whites from taking possession of the land. The dense forests, the changeable climate, more severe than that of Europe, the want of many comforts, and above all, the small number of settlers, were far more serious obstacles to the occupation of the country than were the Indians. As late as the American Revolution, the settlements reached barely to the middle of the Atlantic plain. A line drawn from Moosehead Lake to the head-waters of the Tennessee would lie to the west and outside of the actually settled area of our country at the time when the Declaration of Independence was signed. America was nearly three centuries old before population passed over the Alleghany Mountains. By three centuries must be understood the time after the discovery by Columbus, as there is reason to believe that North America is older than any other continent.

During the last two of these three centuries, the Atlantic slope was gradually settled along the sea by a people motly engaged in farming, fishing, ship-building, and commerce. Transportation was mostly by water or wagon. The ancient forests were in the way, and they were burned. Untold millions of feet of valuable timber were thus destroyed. Yet in 1776 most of the primeval forest was yet standing. Could we have then looked down upon the Atlantic slope and viewed the country from some lofty height from Maine to Georgia, it would have seemed quite untouched by man, so small was the area under cultivation compared with the area in a state of nature.

So vast was the country and so few its English settlers, King George III. attempted to secure peace between them and the Indians by establishing a boundary beyond which to the west the whites should not go. This was in 1763. Before a dozen years passed, however, bold hunters, like Boone, were venturing across the line into the valleys of the Cumberland, the Tennessee, the Kanawha, and the Ohio, all teeming with game, and they were the advance-guard of the millions of settlers soon to follow. After the Revolution, a vigorous migration westward started from

the thirteen states. Old and young set out from the Carolinas and Virginia toward Tennessee and Kentucky. People from the middle and eastern states migrated to the Ohio country. This migration has never ceased; it has filled the Mississippi Valley, and has pushed on still farther westward until the whole land has been occupied. But the history of the Mississippi Valley has been quite different from that of the Atlantic plain. The dense forests retarded population in the plain, but no such obstacle existed in the greater part of the great valley. Western Pennsylvania, Maryland, and Virginia, and the highlands of Kentucky and Tennessee, were covered with woods, but great portions of Ohio were an open country. The pine and the oak gave place to the chestnut and the beech. The soil was deeper and more fertile; was lighter and more easily tilled. The woods continued as far west as the Mississippi River, but when this was crossed, the emigrant entered upon the prairies, richly carpeted with grass and flowers, and almost treeless, except along the banks of streams where the cottonwood flourished.

But the forests began again in Missouri, and extended, deep, dark, and almost impenetrable, across Arkansas, Louisiana, and the eastern part of Texas. After 1820 migration from the older states, which began in 1776, was reinforced by the influx of hundreds, and later of tens of thousands, of men and women from Europe. This foreign migration at last amounted to about a half a million souls a year, and for many years these settled in the Mississippi Valley. From 1607 to 1776-78 population had extended from the Atlantic seaboard westward to an average distance of less than one hundred miles. In most striking contrast was the rapidity with which the Mississippi Valley was overrun and organized into states and territories. By 1850 every inch of land belonging to the United States as a nation was thus under some kind of civil government. In 1850, settlers were coming into Kansas, attracted by the cheap, fertile, and accessible land. A farmer might have as many acres as he would promise to pay for. The rivers and creeks were the chief highways to market. But at this time railroads connected Chicago with Boston, and a

line ran from Boston to New York, Philadelphia, Baltimore, and Charleston, and to a few smaller cities. There were no trunk lines at this time. Suddenly the discovery of gold in California turned the thoughts of men to the far Pacific coast.

At this time the western edge of white settlements was along a line running irregularly through central Missouri, Iowa, and Wisconsin at the North, and through Arkansas and Louisiana at the South. Florida was almost a wilderness, and like Texas, was settled only at isolated points, chiefly near the sea. The discovery of gold hastened the settlement of the Pacific slope, which before was almost an unknown land. The first states settled in the Mississippi Valley were Kentucky, Tennessee, and Ohio, chiefly between 1780 and 1803, at which latter date Ohio was admitted into the Union. Iowa was admitted in 1847, and Kansas was seeking admission ten years later. Thus it took about half a century for population to occupy the country from the crest of the Appalachians westward to Kansas. It had taken nearly four times as long for it to occupy the Atlantic plain. The attractions of the Pacific slope caused its occupation within a year and a half. California was admitted in 1850, with more than two hundred thousand people; most of them had gone there within two years. Oregon, which was created a territory in 1848, became a state in 1859. Washington was made a territory in 1853. The news of the California gold mines spread over the world. Thousands of immigrants started for the coast from the older states overland, and thousands more, joining the vast cavalcade, started from Kansas and Nebraska. These were made territories in 1854. At this time immigration to the Mississippi Valley was direct from Europe. Germans, Scandinavians, Englishmen, Canadians, and Americans from the old states, settled in great communities in the northern part of the Mississippi Valley. Minnesota, created a territory in 1849, was admitted as a state five years later. Population was still passing westward when, in 1861, Congress organized the great Territory of Dakota, out of which two states were formed twenty-eight years later. Thus the region reaching from the

Mississippi Valley to the great divide of the Rocky Mountains was greatly affected by the discovery of gold. The condition of Europe also hastened its settlement. Its cheap, fertile, and abundant lands were the chief attractions. The acquisition of Texas, in 1845, completed our ownership of the Mississippi Valley, and it was quickly colonized by a vigorous migration from the southern states.

Soon after the discovery of gold in the Sacramento valley, a like discovery was heralded from Nevada. Farmers and planters had migrated to Ohio and Kentucky from the East; miners and speculators poured into Nevada from East and West. It became a territory in 1861, and a state in 1864. New Mexico and Utah had been created territories in 1850. Other territories followed; Arizona and Idaho, in 1865; Montana, lying partly in the Pacific highland and partly in the Mississippi Valley, was made a territory in 1864. Colorado, also lying in both regions, was made a territory in 1861, but did not become a state till 1876. Wyoming, in the highlands, became a state in 1890, after having been a territory twenty-two years. The precious metals were found in all these new regions, and hastened their settlement. But the towns were only mining camps. It thus took about fifty years for population to move from Pennsylvania to Colorado. The Pacific slope was occupied in about two years and the Pacific highlands in about twelve; although there were a few old settlements in this part of the country—the old Spanish towns, which dated from the sixteenth century. Of these Santa Fé was the oldest. During this long period of occupation from the Atlantic to the Pacific, beginning in 1607 and extending to 1850, the Indian tribes were exterminated, or forced back, westward, southward, northward, anywhere, into the Indian Territory, or into small reservations in other parts of the country. They had caused almost continuous wars, but they had never seriously impeded the progress of the white man across the continent. The great streams flowing into the Atlantic Ocean have long been the natural highways of the eastern part of our country. The lesser streams furnished motive-power till the steam-engine took the place of the water-wheel. This change has become almost com-

plete since 1860. A glance at a map of New England discloses the reason for the early importance of manufactures in that region. Rivers and small streams are abundant there, and their swift waters, owing to the hilly country, give ample motive-power to mills and factories of all kinds. After 1830 the manufacturing interests of New England were strengthened by congressional legislation; but there would never have existed this vast New England workshop if its people had not been accustomed from an early day to use the natural power at hand in the streams. Manufactures thus got an early footing, and they have increased and prospered there. As a consequence, innumerable towns sprang up along the New England streams, and with the growth of towns came city government, public libraries, fine public schools, colleges, churches, universities, newspapers, and a vast activity in book-making. The towns made good markets, and the farmers in adjoining districts prospered.

The rivers of New England are not navigable for modern ships. Augusta and Hartford are at the head of navigation on two principal rivers, and Calais on a third. As water-routes, therefore, the rivers of the region fell into disuse as the draft of ships increased. The perfection of railroads soon took business off the rivers, and after 1865 many streams which thirty years earlier were alive with shipping, their banks resounding with the hum of ship-yards and wharves, practically became great sewers for the cities and towns along their banks, and are now quite without shipping.

The rivers of the middle states have a briefer but a similar history. The Appalachian Mountains divide the states of New York, Pennsylvania, and Maryland into two water-sheds: the eastern the Atlantic, the western the Mississippi and St. Lawrence. For many years the history of the Hudson Valley was the history of the State of New York. The Hudson is practically a long, narrow, but navigable bay, making Albany a seaport. Till 1825 this city stood at the head of navigation, but the completion of the Erie Canal made Chicago an Atlantic port, for it made a clear waterway through the Great Lakes, the Erie Canal,

and the Hudson to New York Bay. No work done by man, on this continent, surpasses in importance and in its effect on our history the completion of the Erie Canal. It opened the markets of the world to the people dwelling in the northern half of the Mississippi Valley. The canals and the railroads parallel to it, constituting in general the Vanderbilt lines, carry a great portion of the freight and passengers moved along the east and west line in this country. Excepting the Hoosic Mountains, the country from Boston to Colorado is quite level, making easy grades for railroads, and therefore making construction cheaper and allowing higher speed than on roads farther south. For nearly thirty years the Erie Canal was the chief commercial highway from the West to the East. The many ranges of the Appalachian Mountains in Pennsylvania practically forbade a competing canal system, although the state attempted one in 1834. But it was abandoned by 1850. Thus the physical features of the country from Boston to the Far West largely explain why Ohio and all states west of it to the Rocky Mountains were settled in great measure from New England and the middle states, and why New York has become the commercial metropolis of the East, and Chicago of the interior of our country.

The Delaware River has contributed to the prosperity of the states it divides, but the mountains of Pennsylvania have prevented any successful connection of its waters with those of the Ohio. The Susquehanna and all rivers farther south, including the Pearl, though affording local waterways, never attained the importance of the Hudson. As long as slavery lasted, the South was agricultural, and its limitless water-power was scarcely used. In colonial times, its rivers and streams gave an entrance to the plantations. Cities and towns did not spring up as in New England. The population of the South was mostly rural. Charleston, with its fine harbor, afforded all the advantages of a port of entry. Had the southern people chosen to take up manufacturing when New England did, they would have been unable to use their rivers and streams to like extent, because their currents, though powerful, are more sluggish. Though much larger than those of the North, they are less

adapted for use as a mechanical power. After the steam-engine displaced the water-wheel, manufactures centered in northern towns. A glance at a map of water-routes in our country at the present time will show that the number of navigable rivers at the South is much greater than at the North. As the South is now a great manufacturing region, and becoming greater every year, it is quite certain that its rivers will continue to be most important commercial highways.

The wonderful occupation of the Mississippi Valley was largely due to its accessibility. From the north, the Ohio River was an easy highway, and the Cumberland, the Tennessee, and other streams, any one of which may be called a large river, gave easy entrance from the older states of the South. Once the emigrant got over the mountains, he could float to his destination.* In the settlement of the great valley, the Ohio has borne as great a part as the Hudson and the Erie Canal in the settlement of the old Northwest. All the states along the Ohio River received thousands of immigrants over its waters. The familiar story of Lincoln's early life shows how important was the river in the history of these states.† The populous and rich cities along its banks attest its commercial importance. In the history of our country, the Ohio has been the highway of pioneers. Other great tributaries of the Mississippi have been important, but in less degree. The Missouri, stretched far away almost to the Pacific Ocean, gave easy access to the long unknown West. Lewis and Clark made their wonderful journey to the Oregon country in 1802 over the Missouri. The importance of the Missouri is suggested by the existence of St. Louis, the metropolis of central America, and also by prosperous cities and towns at intervals northwestward to Fort Benton. Readers of Parkman's Oregon Trail need not be told how important was the Missouri during the days of the fur trade. It was not this trade, but the indomitable and innumerable immigrants who, venturing their all on the wheezing little steamers that

* See the author's Constitutional History of the American People, 1776-1850, Vol. I, Chapters V and VIII, "The First Migration West."

† See Miss Tarbell's Life of Lincoln.

ascended the river, at last founded Kansas, Nebraska, and territories and states beyond.

It is not too much to say that the Mississippi River made the American Union possible. It is equally true that the fate of the Union depends upon the free navigation of the river. So long as it runs, as President Lincoln said, "unvexed to the sea," a common highway for the country, the world will know that we are a united people. In the seventeenth century, the river and its tributaries admitted the bold French explorers into the interior of the continent, and for a time it seemed that the great valley was to be New France forever. Hundreds of French names survive in the names of towns and streams, and will always remind the world of the wonderful courage and devotion of the French pioneers. As the years have passed, the importance of the Mississippi as an artery of commerce has increased. In 1850, the lines of trade in our country were from Boston, New York, and Albany westward to Chicago; from Baltimore and Philadelphia westward to St. Louis. Now the commercial lines are also southward from Chicago and St. Louis. Railroad construction on what are known as the Gulf lines—that is, north and south in the Mississippi Valley—is comparatively cheap. There are no costly grades to overcome. Since 1870 railroad extension has been mostly within these lines. The large towns in Texas, at the Gulf, have become ports of deposit for the vast productions of the Mississippi Valley. Connecting lines of steamers bear these products northward and to Europe.

The large and somewhat sluggish rivers of Louisiana and Texas have as yet borne no very important part in our history. They are waterways for the lumber cut along their banks. Their future is promising, however, for they are navigable for long distances. They must ultimately make Texas one of the most easily accessible states in the Union. Our country is wonderfully easy of access from the Atlantic coast to the Rocky Mountains by great waterways. The Great Lakes, comprising with their connections the St. Lawrence system, are our inland seas, and so extensive are the mining and lumber interests of the region they drain, the tonnage of freight yearly over them is almost as

great as the entire tonnage of the remaining waterways of the country. The ores mined about Lake Supérieur are carried to the cities along the south shore of the lakes, and there furnish employment to thousands. The cheapness of these ores has located the great iron and steel plants of the country at Cleveland and other cities. Ohio, Indiana, and Illinois are manufacturing states to-day; when they were settled, they were agricultural states, and the existence of the Superior ores was quite unknown. These vast deposits affect the daily lives of people all the way from the mines to the South and the East, for they supply a large part of the freight on the great trunk lines of the country.

No extensive waterways exist west of the Rocky Mountains, excepting Puget Sound and the Columbia River. There are lesser streams in California and Oregon. The Pacific slope and the Pacific highlands, forming nearly one-third of our country, are not accessible by water. The discovery of gold was the prime cause leading to the construction of railroads across the continent. Congress granted enormous land areas to aid the construction. The companies depended on the sale of these lands, which soon went into the market as population moved westward. Nature prepared the way for the roads by forming the great passes through the Rockies and the Cascades; otherwise the task of construction would have been long delayed. Through these passes the railroads could enter the new region, traverse it, and connect the East and the West. The Colorado River lies mostly at the bottom of a deep cañon; the San Joaquin and the Sacramento are navigable for a distance. Thus transportation throughout this portion of our country could not be by water. In consequence, population is there distributed less evenly than in the Atlantic plain and is found chiefly in towns. As the whole region abounds in valuable minerals and metals, its customs, laws, and business methods have developed somewhat differently from those of the East. California mining laws have been re-enacted in substance in the other states and territories of the region. On the other hand, New York laws have been re-enacted in the states directly west of New York as far as Montana. The laws of Iowa and Wisconsin resemble

those of New York, because these states were largely settled by New York people. The Pacific railroads were built just ahead of the settlers, so that they were encouraged to take up land and develop the country. The Southern Pacific affected the settlement of the Southwest. The laws there resemble those of Virginia and Georgia and Missouri. The laws of Missouri, on the other hand, resemble those of Maryland, Kentucky, and Tennessee. Although all parts of our country are now connected by railroads, it does not follow that the same laws prevail, or the same customs or business methods, although our national banking system tends to give uniformity to business. Our country is now so large, its productions and interests so varied, its physical features so distinctive, it is impossible for our people to be exactly alike. The people of the states within a region which nature has made so different from another region, as for instance the people of the eastern and manufacturing states, of the mining states, and of the agricultural states in the Mississippi Valley, have each their principal interests, which largely determine the character of their laws and their local institutions.

Perhaps the effect most easily detected is industrial. It is clear that a man's occupation largely depends upon his place of residence. Communities, in this respect, are like individuals. New England is a manufacturing center and its people demand markets for their goods, cheap transportation, improved machinery, and above all, laws which they think Congress should pass for the protection of their interests. The southern states, so long exclusively agricultural, and largely so to-day, demand a market and transportation and protection, but not always by such laws as are asked by the New England people. The mining states about the Great Lakes and on the Pacific coast have yet other interests, and ask for laws of a still different character. So long as slavery lasted, it was practically impossible for Congress to satisfy North and South. The abolition of slavery put an end to the principal cause of disturbance in our industrial affairs as a nation.

The practical effect of the various physical features of our country is difficult to trace in detail, though quite clear

in a general way. Slavery long caused political differences between the manufacturing and the agricultural sections of the country, and was a principal cause of the Civil War. The climate of the South made slavery possible and to some extent profitable. Thus the institution was in part sustained by natural surroundings, as the climate at the North was too cold to permit it. Otherwise, it doubtless would have been upheld there. Climate, therefore, had much to do with the abolition of slavery and the political consequences it has entailed.

As a rule, the mining states of the Pacific region had favored "free silver," the manufacturing states of the center and the East favored gold; the agricultural states of the Mississippi Valley inclined to free silver. It has been said that were the people of the gold states to exchange homes with those of the silver states, gold men would become silver men and silver men gold men. Whether or not this is true, it illustrates a great principle that the opinions of men are largely molded by the physical features, the productions, and the interests of the region in which they live.

Although Alaska has been part of our country since 1868, it has not until recently attracted great attention. The thousands who have gone to it for gold have had no intention of making it their permanent homes. It does not, therefore, rank with the great regions of which we have spoken. Hawaii and Porto Rico are habitable. The Philippines, too, are in a region where a white man may live, at least for a time. The Spanish-American War has brought us new territory which as yet has little history that can be called American. They must remain under military rule for a time and gradually assume their place as American possessions. Hawaii has nothing peculiar in its physical features except its position as a military possession and an American stronghold on the highway to Asia. The laws which Congress may extend over these islands must be adapted to people of a tropical climate. Laws suitable to the inhabitants of Massachusetts, Louisiana, or California may not be adapted to the natives of these new possessions.

In reading this history of our country, as we follow its

wonderful growth, events come thick and fast, and one quite forgets our mountains and our rivers, our mines and the soil and climate, which after all are of immediate interest to each one of us. But if we stop a moment to think, we will discover that the course of American history follows the lines here suggested. Our people have migrated and made homes in strict obedience to the laws of physical geography. This may seem a strange statement, but it is true. The physical features of the country proved helps or hindrances in the early years of exploration and colonization. At the present time they affect the settlement of the country, but in a less marked degree than formerly. Our wars have followed the lay of the land. Had the Civil War been fought in Kansas and Nebraska instead of amidst the natural fortifications of the border states, the end would have come sooner. Certainly our isolated position as a nation has been of great advantage to us. Now that we are isolated no longer, we enter upon a new chapter of our history. At the present time, when population is getting dense and all the competitions of life sharper, it is quite clear that if our country is to remain united forever, as we all desire, the glorious result will be maintained only by a common and intelligent knowledge of the wants of all sections of the country. There is no North, no South, no East, no West, isolated and hostile. Ours is a united country, at peace with itself and with the whole world, its people living under laws which seek to protect life, liberty, and property.

Migration, immigration, and the development of mining, agriculture, and manufactures changed the rank of the states during these forty years:

Rank in 1860.

New York,
Pennsylvania,
Ohio,
Illinois,
Virginia,
Indiana,
Massachusetts,
Missouri,
Kentucky,
Tennessee.

Rank in 1900:

New York,
Pennsylvania,
Illinois,
Ohio,
Missouri,
Massachusetts,
Texas,
Indiana,
Michigan,
Iowa.

From 1860 to 1900 nearly fifteen million immigrants came to this country from the Old World. Pauper immigrants and the Chinese are excluded. The greater number of these immigrants have settled as follows:

The Germans, north of $36^{\circ} 30'$, and chiefly from Pennsylvania to Colorado.

The Irish, north of $36^{\circ} 30'$, chiefly along the coast and in the cities and towns as far west as the Dakotas.

The Scandinavians, north of 41° , and chiefly between Lake Michigan and Montana.

The Canadians, north of 41° , from the Atlantic to the Dakotas.

The Chinese, chiefly on the Pacific coast.

The English and Scotch, quite uniformly over our country.

The Italians, largely in the South and in the seaport towns, also in New Jersey and Illinois.

The Polanders, in the mining regions, Pennsylvania, West Virginia, Ohio, and temporarily wherever railroads were building.

There had been a continuous migration to the West from the older states, and as a rule the course was directly westward from older states. The migration from New England, though relatively small, is suggested by the names of two cities, Portland, Maine, and Portland, Oregon.

The great migrations were directly west and mostly north of the former slave-holding states, from New York, Pennsylvania, Ohio, Indiana, and Illinois; directly west and mostly south of $36^{\circ} 30'$, from Virginia, the Carolinas, Georgia, Kentucky, Tennessee, Alabama, and Mississippi.

The Pacific states were populated from states north and south of $36^{\circ} 30'$. From California and Oregon many have gone into Nevada, New Mexico, Washington, Colorado, Wyoming, and Montana; that is, into the mining states.

States west of Illinois have laws like those of New York, Ohio, and Illinois, rather than like those of Virginia, Kentucky, and states south of them.

States west and southwest of Tennessee and Mississippi have laws resembling those of Virginia, the Carolinas, and

Kentucky. The two sections of the country have laws of the New York type and of the Virginia type.

But the mining states from the Missouri to the Pacific have laws modeled largely after those of California.

The growth of American cities during the last forty years of the century was typified in Chicago. In 1860 it had a population of one hundred and ten thousand, in 1900 it was nearly seventeen times as great. Our country in 1900 had five hundred cities, each having a population of not less than eight thousand. In Washington's time there were only six such cities.

The reason for this astonishing growth of cities is the same as it was half a century ago. Most of our factories are in cities, and these give employment. Many of the principal schools are there. Cities offer many opportunities for making a living. Hospitals, theaters, charitable organizations, are maintained there. Cities are great railroad centers. But our city population is over-crowded and thousands suffer there who would get along comfortably in the country. The chief causes of the growth of cities are the centralization and concentration of capital and labor in them.

Fuel and raw material are cheaply transported; markets are reached over railroads that center in the great towns.

During the last thirty years of the century, Belgian blocks or asphaltum largely took the place of cobblestones for street-paving. After 1880, electric light largely displaced gas light. Nearly all our cities extended and beautified their parks. Public health compelled this. Surface drainage almost entirely disappeared. Nearly every city now has a department of public health. Our cities are cleaner than they were thirty years ago. Most noticeable is the improvement in "rapid transit." Since 1890 horse-cars have quite disappeared and given place to electric or cable cars.

City architecture underwent a revolution after 1870 by the use of iron in buildings. Buildings fourteen stories high are no longer uncommon.

Electric lighting made possible great improvements in the health, the safety, and the business of cities.

After 1860 petroleum came into use. The art of refining it so as to make it non-explosive was perfected by 1876.

At first the refineries made no use of the waste, but this was soon found to be highly valuable. About sixty useful products are now manufactured from the oil.

In April, 1877, the telephone was first used for business purposes. After ten years' experimentation, Alexander Graham Bell perfected an instrument. It connected Boston and Somerville. Thomas A. Edison and Elisha Gray invented instruments, also, in 1877-1880. Since 1884 telephones have come into common use.

About the same time Charles G. Brush, of Cleveland, Ohio, Moses G. Farmer, of Newport, Rhode Island, William E. Sawyer, of New York City, Albon Man, of Brooklyn, and Edison, of Menlo Park, New York, were working in independent lines on the problem of electric lighting. In 1878 the incandescent light was put on the market. Since that time electric lighting has become one of the great enterprises of this country and of the civilized world.

The electric dynamo revolutionized transportation and manufacturing. In 1876, at the Industrial Exhibition at Philadelphia, the "Centennial" electric lights and motors were displayed as scientific toys. At the Columbian Fair, Chicago, in 1893, a building covering nine and three-tenths acres was wholly devoted to electricity. The use of electricity has only began.

Yet one must not conclude that invention and discovery have been chiefly in electricity since the days of Lincoln. Equal progress was made in every branch of manufacture. To-day there is scarcely a machine of any kind to be found of the pattern of 1860. Railroad locomotives, cars, and steamboats to-day are not of the pattern of 1860; farming tools, mechanics' tools, stationary engines are of a new type. Machinery is finer, lighter, and stronger than it used to be. Perhaps a type of the change is the steam-shovel. This was quite unknown in 1860. To-day steam-shovels are made weighing two hundred thousand pounds, and lift ten tons without effort at one time. The wonderful progress in applied electricity has been paralleled in other directions. This was evident from a glance at the various

buildings at the Columbian Fair devoted to mining, to transportation, to manufactures, and to machinery.

The newspaper as we know it began during the Civil War. People demanded the latest news. The papers that could best supply it prospered; the rest perished. The system of correspondence, distribution, and illustration, and of quick, cheap issues then began.

The reporter came into being, and his race for news has gone on over the world. "Interviewing" was unknown till war time.

A multitude of newspapers, magazines, and journals are now published in the interest of special occupations, industries, and pursuits. These, with few exceptions, began publication after 1860.

The Century Magazine, founded in 1870 as *Scribner's Monthly*, took its present name in 1881. *The Forum* was started in 1886, *The Popular Science Monthly* in 1872. Within recent years there have been established several illustrated magazines, such as *McClure's*, *Munsey's*, and *The Chautauquan*, and quasi-magazines like *The Woman's Home Journal*, which reach millions of readers.

The great dailies often contained as much reading matter as a magazine, and many of them became penny papers. Nearly thirteen thousand American periodicals were read by the American people.

The great writers who began to publish their works between 1830 and 1860, with few exceptions, continued writing for many years. Bryant died in 1878, Longfellow and Emerson in 1882, Lowell in 1891, Whittier in 1892, and Holmes in 1895. All these may be said to have done their best work after 1860. Motley died in 1877, and Bancroft, Parkman, and Parton in 1891. Of the historians who distinctively belong to a later period are John Fiske, born 1842; John Bach McMaster, 1852; Henry C. Lea, 1825; Moses Coit Tyler, 1835, and James F. Rhodes, 1848.

The forty years after 1860 marked an era in literature the world over. In America three writers were conspicuous, William Dean Howells, Francis Bret Harte, and Samuel W. Clemens, the latter better known as "Mark Twain." These were conspicuous because they were wonderfully

productive through all these years. Howells' and Harte published their first books in 1860: Howells, a thin volume of poems and a campaign life of Abraham Lincoln; Harte, a little book of short stories; and each averaged a book a year during the next forty years. Clemens, beginning five years later, was equally prolific. The period may be called the age of the American novel, with Howells as the central figure. Our literature was enriched by many other writers, most of whom were living at the close of the century.* Among famed books of the period must be included General Grant's *Memoirs*, written in 1885 on his death-bed. He wrote with the classic simplicity of Plutarch.

The books which distinguish the period were not in literature, but in science; books on politics, social economy, and applied science in its various and multitudinous forms. The list was enlarged by current publications on the same subjects. For the first time since the invention of printing, newspapers, magazines, and books devoted to social economy, engineering, education, religion, government, and innumerable reforms were published at a profit. It may be called the age of the magazine, literary and scientific. One need only to turn to an old file of magazines, published before 1860, and one of the best may be named, *Harper's*, and contrast them with the magazine of to-day, in typography, illustration, and contents, to appreciate the significance of the description of the period since 1860 as the age of the American magazine.

Of the great personages who move across the historical stage during the last forty years of the century, one fills the perspective and seems to project himself into all time—Abraham Lincoln. Though in the eye of the world for

* There is room here to mention only a few: George William Curtis (1824-1892); Thomas Bailey Aldrich (1836); Richard Henry Stoddard (1825); William W. Story; J. G. Holland (1810-1892); Louise M. Alcott (1832-1888); John W. Draper (1811-1882); T. W. Parsons (1819-1892); Elizabeth Stuart Phelps Ward (1844); U. S. Grant (1822-1885); S. W. Clemens, "Mark Twain" (1835); Lew Wallace (1827); Charles Dudley Warner (1829-1900); Edmund Clarence Stedman (1833); Mary N. Murfree, James L. Allen, George W. Cable (1844); Emma Lazarus (1849-1887); Walt Whitman (1810-1892); Brander Matthews (1852); Francis Marion Crawford (1854); John Burroughs (1837); Henry James (1843); Edwin P. Whipple (1819-1886), and Charles Eliot Norton (1827).

barely four years of official life, he seems to have implanted himself so firmly amidst the elements of life, there is no room for others. He was struck down at the close of a terrible national tragedy, his death a climax in a drama of extraordinary parts and persons.

No name in the long catalogue of our public men can be put beside his own; he was unique; he forbids comparisons. Not that he was merely greater or less than the rest; he was different. He seemed to vanish into the shadows from which he came. Even when we know, as we now do know, that his election to the presidency was the logic of the situation, we seem none the wiser, for it is the situation which puzzles us.

Men love to attach mystery and marvel to such as Lincoln, and to build traditions upon their names. Not until thirty years after Lincoln's death were his letters, speeches, and state papers collected and published, but they added nothing material to his fame. That was already secure. The work with which he was identified was done, and the nation of which he was for half a century a private citizen and for four years President had entered upon a new age; or, as he expressed it, "a new birth of freedom." This it was which places him with the Fathers of the republic as a founder and creator, and not merely as an administrator.

The American people long ago ceased comparing him to any of his contemporaries. His Homeric qualities bear back to a classic age when the foundations of the republic were laid. Thus we hear his name coupled with Washington's, and not as one of the same rank, as an equal, but as possessed of an individuality, an integrity of virtues analogous in kind, even if not of the same kind.

Men of these kinds penetrate later time by their virtues, and by embodying many excellencies rarely combined in one person possess themselves of the age through fame. Even the ancient world produced but two such characters, Alexander and Cæsar, and these were of so different a type from that of Washington or Lincoln as to preclude comparisons.

The fame of Lincoln is the dome of the republic individualized. Every nation has its Lincoln, as the Swiss have Tell, whether hero or myth; the English, Alfred the

Great; the Russians, Peter, and the oriental peoples, their founders of religions.

The great political act of Lincoln's time, the abolition of slavery and the bestowal of the elective franchise upon the former slave and his descendants, renewed the long practice of the republic and pointed to the destined custom of the whole world. Its consequences are with us to-day, and seem almost as difficult to manage as the original question of slavery. The ideal was followed in this great political act, and with the ideal Lincoln's name is forever associated. Cost what it might for coming generations, he and his advisers and the larger part of the nation believed that it was the right thing to do. Distinctively the act was Lincoln's act; the ideal his ideal. And it was encompassed with "charity to all; with malice toward none."

The centuries rarely produce such a situation and such a man as came to the front in America from 1860 to 1865. It is because Lincoln represented the spirit of American institutions that he is enshrined in the hearts of his countrymen.*

The eminent men who served with him and after him exemplified the same spirit. Grant had it in full, and displayed it at a crucial moment, at Appomattox, when his great military opponent, General Lee, was a prisoner in his hands. His words, "Let us have peace," which run along the façade of his mausoleum on the Hudson, re-echo Lincoln's, uttered in his first inaugural, "We are not enemies, but friends."

Here were two men of a kind, and posterity has recognized the likeness by associating their names together in tender and affectionate remembrance. We are too near our later statesmen and public characters to be able to portray them, much less to place them in permanent perspective. Their names come to the lips. Only yesterday they were shouted amidst the ringing campaign, or heralded through the press because of some brilliant word or deed. Our own times are crowded with names of active, clear-sighted, patriotic men who move in a large way among us

* For an account of Lincoln's part in the extension of the suffrage, see my *Constitutional History of the United States*, 1765-1895, Vol. III, Book V.

and seem to be bidding a fair price for fame. Great as their opportunities may be, these will rarely be so great as those which come to our older statesmen. What new opportunities our now widely extended republic may offer her sons, none can foretell; but the history of great men is the history of growing empires, and the book of opportunities is not yet closed.

Looking backward, we all see plainly that America has offered two unique opportunities for action and service: one, the Revolution, which produced George Washington; the other, the Civil War, which called forth Abraham Lincoln.

During the years 1860-1900 the postal service was greatly improved. In November, 1864, the money-order system went into operation. The first postal-car service began in the preceding August, on the Iowa division of the Chicago and North-Western railroad. Postal-cards were first used in this country in 1873. In 1883 the rates on letter postage were reduced from three cents to two and the present classification of mail matter adopted. In later years the delivery system was much extended.

There remains now no West like the wilderness signified by that word half a century ago. The West began to vanish when the railroad reached the prairies, in 1860. For nine years more, the "overland route" was traversed by stage and pony express. All political parties in 1860 favored a Pacific railroad, built partly with government aid, and in 1862 the work began. Congress chartered two companies, the Union and the Central Pacific. The first built from Omaha to the coast, the second from the coast (Sacramento) toward the East till the roads met. On the 10th of May, 1869, at Promontory Point, Utah, the engineers of the two sections clasped hands, a spike of silver and gold was driven, and the work was done. These two roads received from the government nearly \$62,000,000 in money, and every odd-numbered section of land in a strip equivalent to one twenty miles wide and nearly two thousand miles long. Before the century closed, there were in operation over one hundred and seventy-two thousand miles of railroad in this country, and six vast trunk-line systems united the East and the West.

Beginning in 1857, gold and silver in paying quantities was discovered in Colorado, Nevada, New Mexico, Utah, Idaho, Montana, Arizona, and Alaska. The development of the mines was a principal cause of the rapid increase of population into the western part of the country, and in thirty years transformed most of it into states.

In 1870, the construction of the Northern Pacific railroad began. It was built in advance of population, and laid out towns which were soon prosperous communities. Dakota was organized as a territory in 1861, Idaho and Washington in 1863, Montana in 1864, Wyoming in 1868. When the Northern Pacific was begun these territories had a population of 82,848; in 1880 it was 202,851; in 1890 it had reached to 1,238,166. Of this population in 1890, five-sixths of those native-born were from states north of 36° 30', and of the foreign-born, eighty-four out of eighty-five were from countries north of Italy.

The new Northwest contains the great cattle ranches and wheat farms, and furnishes most of the beef, mutton, flour, and meal marketed in the United States. Chicago is the center of the grain and beef business. From Minnesota to the Rocky Mountains and from the Canadian border to Indian Territory once roamed countless herds of buffaloes. Since 1870 this animal has become almost extinct, and is preserved in zoölogical gardens as a curiosity.

After 1870, several fierce outbreaks of the Indians resulted in their destruction, the forfeiture of their lands, and a "rush" for them as soon as declared by the President to be open to settlers. In 1876, General Custer and his troops were destroyed, on the Little Big Horn River, Montana, by an overwhelming force of Indians. For several years the Modocs in Oregon had been on the war-path. All the tribes since 1876 have been confined to their reservations. After each Indian war, new lands have been opened to settlers, so that little now remains except the lands of the five civilized tribes in the Indian Territory. These lands will probably soon be taken from the Indians.

As early as 1865 demands were made that Indian Territory be opened to white settlers. In 1866, Congress bought a large part of the territory, but on condition that only

civilized Indians and freedmen should be permitted to occupy it. The restriction was in vain. Bands of ranchmen, immigrants, and many who wished to obtain new and large areas for pasturage, constantly invaded the region. The pressure on Congress became so great that finally it authorized President Harrison to name a day when settlers might cross the line and stake out their claims. The 22d of April, 1889, was named. As the day approached, thousands of people gathered along the line ready to rush in when at the hour of noon the bugle should sound. The official notes were scarcely afloat on the air before fifty thousand people were in a wild rush for claims. When night fell, Oklahoma had cities of ten thousand, where at sunrise the grass had never before been trodden by the feet of white men. Before the year closed, the new territory had over sixty thousand population.

In the general prosperity that has blessed our country, the South has shared. It has held several industrial exhibitions illustrative of its wealth and resources; at Atlanta in 1881, at New Orleans in 1884, and the Tennessee Centennial at Nashville in 1896.

During the last forty years of the century terrible fires, floods, tornadoes, and other accidents at times afflicted portions of the country. In every instance the country responded to the cry for help to a degree never before witnessed among men. The spirit of peace and good will thus displayed may be said to permeate our laws and our institutions. The harsh and cruel laws of less than a century ago are no longer in force. Public institutions for the help and care of the criminal and unfortunate classes are constantly increasing. Individuals, cities, commonwealths, the nation itself, establish and maintain these beneficent institutions.

Chicago had been settled sixty years, when it was chosen as the site of the exposition to celebrate the four hundredth anniversary of the discovery of America. The exposition was unparalleled in the world's history. On the peristyle were several inscriptions worthy to be remembered by every American, because they express the principles that underlie our institutions:

"Civil liberty, the means of building up personal and national character."

"Toleration in religion the best fruit of the last four centuries."

"A few dared, failed, and suffered; myriads enjoy the fruits."

"To the brave settlers who leveled forests, cleared fields, made paths by land and water, and planted commonwealths."

"To the brave women who, in solitude, amid strange dangers and heavy toil, reared families and made homes."

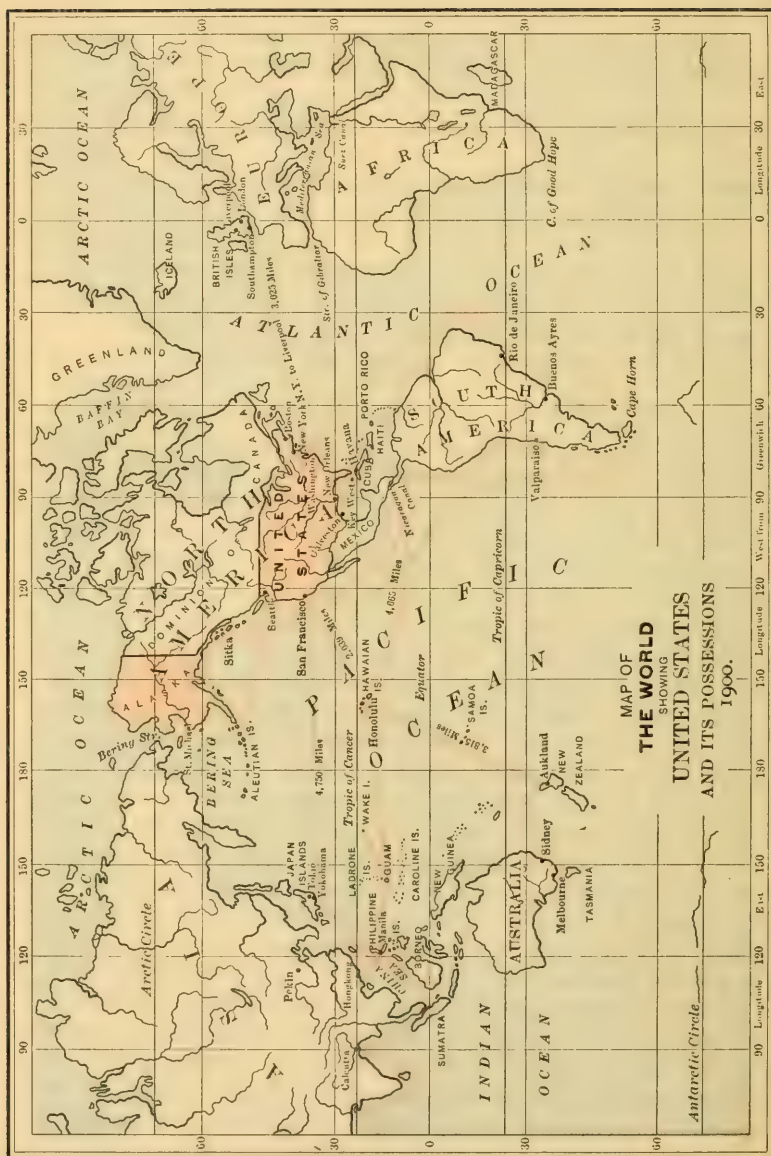
"We here highly resolve that government of the people, by the people, for the people shall not perish from the earth." *

More than four centuries have passed since Columbus made his wonderful voyage in search of India. For a long time it seemed as if Spain was to possess the new-found continent. England, however, claimed North America as the fruit of Cabot's voyage, but France claimed a portion of it as the discovery of Cartier. In 1763, France gave up the contest for North America. In 1776, the United States became independent. Spain then extended from the Mississippi to the Pacific. But Spain conveyed Louisiana to Napoleon, and from him it was bought by the United States in 1803. This extended our domain to the Rocky Mountains. Spain lost Mexico in 1820, Texas in 1836, and California in 1848. Oregon was ours by discovery, occupation, and treaty. In 1829 we acquired Florida, in 1853 the Mesilla Valley, in 1867 Alaska, and in 1898 Hawaii, Porto Rico, and the Philippines.

Perhaps the most significant evidence of the place held by the United States among the nations of the world was the commercial ascendancy of our country in the closing years of the century. All through our national history the record of progress has comprised new chapters telling of mechanical inventions, useful discoveries in the arts, improved processes of manufacture and appliances without number, all tending to cheapen the cost of production, to extend the market, and in nearly all instances to improve

* Nos. 1, 2, 3, 4, 5, were from President Charles W. Eliot, of Harvard.





the article. American manufactures began about the time of the second war with England, 1812, and had to compete with the skilled labor and experience of older nations, of which the chief was the United Kingdom. In 1900 the production of manufactured goods in the United States reached the enormous value of \$12,500,000,000, while that of Germany and the United Kingdom fell \$450,000,000 below this. In other words, our country, at the close of the nineteenth century, became the leading manufacturing nation of the world. This mighty result was not an accident, or due to the decay of labor in other lands. It was the inevitable consequence of American inventive skill, of American improved methods, and American energy. In the history of the world no parallel can be found to the phenomenal growth of our country in manufactures. One item is a sign of the times: Great Britain, which for centuries has led in the iron trade, in 1899 produced 8,631,151 gross tons of iron, but the United States, nearly 12,000,000 long tons, and the iron trade is an accurate index of the industrial condition of a country.

No less significant is the comparative agricultural condition of our country. Austria has a larger population engaged in agriculture than the United States; Germany comes next to us; then France. But the true index is production, not the mere number of farmers. "An ordinary farm-hand in the United States raises as much grain as three in England, four in France, five in Germany, or six in Austria, which shows what an enormous waste of labor occurs in Europe, largely because the farmers are not possessed of the mechanical appliances used in the United States. This is seen when we examine the production of grain per capita of the persons employed. In the United States it is 350 bushels, in the United Kingdom 119, in France 98, in Germany 75, in Austria 64, and in Italy 39."*

Ours is a country abounding in machinery of all kinds, and little is done by hand labor that can be done by machinery. American supremacy in this respect is signified by the fact that the use of machinery in the United

* Hon. Carroll D. Wright, United States Commissioner of Labor, in the Century Magazine, July, 1900.

States is 1,940 foot-tons for each inhabitant; in Great Britain it is 1,470, in Germany 902, in France 910, in Austria 560, and in Italy 380. This capacity of the American people to labor explains their commercial ascendancy and lies back of that industrial conquest of the markets of the world which marked the closing years of the century.

But commerce varies in volume from year to year. It is made up of exports and imports. The three commercial nations are the United States, Great Britain, and Germany. "At the present time [1900], the exports of the United States exceed those of any other country in the world." * From 1848 to 1900 the record shows that down to 1876 the value of exports exceeded that of imports during only three years, 1858, 1862, and 1874. Since 1875 the value of imports has exceeded that of exports during only four years, 1875, 1888, 1889, and 1893. Our exports constantly increase; our imports decrease. No other country is in like condition. Our exports constantly find new markets, and we increase our exports to the old ones. "In 1870 we sent to the United Kingdom \$243,316,828 worth of goods, and during 1899 we sent \$505,668,925 worth, while for the same years we took from the United Kingdom \$152,066,269 and \$118,472,048 worth of goods; that is, while more than doubling our exports to the United Kingdom, we greatly reduced our imports. The difference in the figures for Germany is still more marked, although the amounts are not so large. We raised our exports for the period named from over \$41,000,000 to over \$153,000,000, but in imports we increased from over \$27,000,000 to \$84,242,795." †

Turning to new markets, their acquisition by Americans was even more striking. To Japan our exports increased from \$3,000,000 in 1893 to \$26,000,000 in 1900, and during the same time they increased from \$3,900,000 to \$15,000,000 to China; \$4,000,000 to \$8,000,000 to Hong-Kong; \$145,000 to \$2,000,000 to Asiatic Russia; \$7,800,000 to \$24,000,000 to British Australasia; \$2,700,000 to

* Ibid.

† Ibid.

\$12,000,000 to Hawaii; \$154,000 to \$2,000,000 to the Philippines, and to all Asia and Oceanica, \$27,000,000 to \$104,000,000.* This signifies the American conquest of the Orient, not by soldiers, but by skilled labor, improved processes in manufactures, and a peaceful policy.

This mass of American exports becomes more interesting when broken up into its constituent parts. In 1870, the value of the bread-stuffs exported was \$72,250,000; in 1899 it had increased to \$274,000,000. Of meat and dairy products we sent away to the value of \$29,000,000 in 1870; in 1899, to the value of \$175,500,000. American machinery was sold abroad in 1870 to the value of only \$2,350,000; in 1899 it was \$44,285,000. Similar was the increase in our exportation of boots and shoes; † drugs, dyes, and chemicals; ‡ nails and spikes; || pipes and fittings; § locks, hinges, and other builders' hardware. ¶

Of other exports, two vast groups may be said to have come into being during the last thirty years: steel rails and coal. Down to 1870 the United States imported great quantities of iron and steel, and especially of steel rails. This importation has almost ceased, and American rails are being laid on the important roads in foreign countries. In 1870, we exported \$65,081 worth of steel rails; in 1899, \$5,298,125 worth.

Our exportation of coal, which in 1870 was worth \$1,306,358, twice as much in 1880, and five times as much in 1890, was over ten times as great in 1899. All this points to rather an alarming condition of the coal supply of Europe. The Old World is threatened with a coal famine, which means disaster to many millions of people. "Everything must suffer, manufactures, shipping, transportation of all kinds, and especially the naval armament. The United States," continues Mr. Wright, "according to careful estimates, possesses at least fifty per cent of the

* Ibid.

† 1870, \$419,612; 1899, \$2,711,385.

‡ 1870, \$2,360,461; 1899, \$10,995,289.

|| 1870, \$265,951; 1899, \$1,864,596.

§ 1870 (not reported); 1899, \$5,874,228.

¶ 1870 (not reported); 1899, \$4,838,752.

coal area of the whole world. The production of coal in this country at the present time [1900], is something like thirty per cent of the total production of the world. The question may well be asked, Is the time coming when this country will furnish not only the food for the support of armies, both industrial and military, of some of our greatest competitors, but also the fuel food by which armies, navies, industries, and transportation are supported? Some years ago it was calculated by skillful engineers that the coal-fields of the Appalachian range contained forty times as much coal as was contained in England before a pick was ever struck into it. These considerations must convince the American public that this country is in no danger of either a food or a fuel famine, for our supply of fuel is estimated to be equal to the demand for at least one thousand years." *

In addition to our domination of the food market of the world, and we are the chief purveyor of its breadstuffs and meat; and in addition to our prospective domination of the world's fuel market, and our large handling of the world's supply of illuminating oil, we have made rapid strides toward gaining control of the world's tool market. "American tools and machinery," says Mr. Wright, "are gradually finding their way over the world. More than a generation ago (i. e., circa 1860) agricultural implements of American make began to displace English tools. This was especially true of shovels and spades manufactured in Massachusetts of iron imported from Sweden and England. They were made light, strong, and durable, and displaced very rapidly English-made tools in the British colonies. Carpenters' tools and all the lighter tools of production have long been popular abroad; in fact, an ordinary tool taken out of the stock in trade of a hardware dealer would take the prize in a foreign exposition in competition with foreign-made goods especially made for exhibition. The skill with which the American tools are made, their strength and lightness in comparison with foreign-made goods, constitute their attraction; but now [1900] machinery of complicated structure—locomotives and various other things—

* Ibid.

is being exported to different foreign countries. Egypt is trying our locomotives; they are sent to South America; even Germany and Russia order them. The best testimony in regard to the excellence of our locomotives, and which indicates that in the future we may look for a still larger use of them abroad, comes from Lord Cromer, the British minister plenipotentiary in Egypt. 'Their choice,' he says, 'is simply due to the fact that American firms almost invariably offer engines built on standard designs of their own at lower prices and in less time, while the English and other European makers content themselves with their old designs, not being, as a rule, in the habit of manufacturing to standard designs of their own. We prefer,' he says, 'to adhere to our standards, but in cases where time and cost are of great importance, offers from America cannot be passed by.' '*

What is here said of American locomotives is true also of American stationary engines and bridges. They are finding their way over the world, and notably in Egypt, Russia, and South America. It begins to look as if we were to provide the rest of the world with food, fuel, rails, bridges, and rolling-stock.

And what of the man who does the work in America? What of his wages, his clothes, his home, his opportunities, and the condition and prospects of his children? Here, too, America leads the world. The workingman in the United States, whatever his employment, wears better clothes, eats better food, receives higher wages, has better opportunities in life, and can do more for the welfare of his children than the workingman in any other country. "America," said Emerson, many years ago, "is another word for opportunity."

Our country extends to-day over more than three million six hundred thousand square miles, and has a population of nearly seventy-five millions. Its growth has been unparalleled in human history. What has America done for civilization? It has done five great things:

It has contributed to establish the precedent for settling all disputes by arbitration instead of by war.

*Ibid.

It has established religious toleration.

It has extended the right to vote so that it is practically based on manhood suffrage and is universal.

It has proved to the world that people of different nationalities can live together in peace and fit themselves to enjoy political freedom.

It has proved that all people may enjoy a high degree of material well-being.

A new experience befell the American people soon after the Civil War, the frequent outbreak of conflicts between employers and employees, familiarly called "strikes." They came hard after the initial contest between labor and capital, inaugurated about 1850, as the war of the people upon trusts and monopolies. This war dates from the old struggle in the forties to regulate banking corporations. The laws on the subject in all the states, which soon filled statute-books, were a somewhat unexpected fruit from the tree of natural rights.

A hundred and twenty years ago the doctrine of natural rights was set forth in classic form by the American Congress. No dictum is more familiar to Americans, none so popular. As a political doctrine it has the authority, many believe, of a twelfth commandment. Nor has it escaped the various interpretations which different generations impose upon a revelation. Since that July day when Congress applied it to the political conditions of 1776, and gave reasons for the application—"out of a decent respect for the opinions of mankind"—each generation of Americans has applied it to the political issues of its day. On the strength of the equal rights of man, every political reform in this country has been pressed forward. The doctrine is native to America in the form in which Jefferson clothed it, though the equivalent is found in Grotius and in Aristotle. The Americans were the first nation to make the doctrine their fundamental article of political faith, expressed in classic form in the Virginia resolutions and in the Declaration of Independence. But neither George Mason, the author of the one, nor Thomas Jefferson, the author of the other, nor any of their associates or contemporaries, understood the doctrine as it is understood to-day.

To them it was the fundamental doctrine of individualism—the dominant idea of the Revolution of 1776. To-day it is interpreted as the fundamental doctrine of socialism—the dominant idea of the revolution upon which the people of the United States have just entered. It is now quite forgotten that the political characteristic of America in the eighteenth century was individualism; it is obvious that the characteristic at the close of the nineteenth is socialism. To Jefferson and his contemporaries the Declaration conveyed the idea of the enfranchised individual. No other was understood. Nor was the idea formulated only in a general way in a state paper. It was applied and defined elaborately in the twenty-three constitutions which the American commonwealths adopted in the eighteenth century, and was worked out in their legislation and civil administration. In none of these constitutions and laws is there a hint of the state, or the nation, as these terms are now understood. Mason's sixteen resolutions are the classic constitutional, as Jefferson's Declaration is the classic political statement of the doctrine, and with slight additions, Mason's thought is set forth in commonwealth constitutions, nearly a hundred in number, adopted in this century, and also in the first ten amendments to the Constitution of the United States.

The contest between Great Britain and the colonies was a contest between feudalism on the one hand and individuals claiming their natural rights on the other; or, in general form, a contest between monarchy and democracy.* From the nature of the contest, communal or social sentiment among the colonists was weak—indeed, almost lacking. The war was not begun “in order to form a more perfect union.” For a dozen years the spirit of individualism was strong enough to prevent union, and for more than seventy years was strong enough to impair the more perfect union of 1789. This individualism of democracy in America in the eighteenth century seems ancient history in these days, although this antiquity is only thirty years old. The thought of Jefferson has been changed, but his words are

*See “The Form of Democracy in the Eighteenth Century,” Vol. I, Chapter II, of my *Constitutional History of the American People*.

still quoted to interpret popular rights, or, more correctly speaking, the claims of agitators, of reformers, of political sects, and political parties. They are words of discontent—of discontent that runs with democracy. They hint at ideals just beyond. No political dictum is more potent in promises, and none has survived a greater body of promises realized.

No sooner was independence won than the doctrine of natural rights, and equality was given a new meaning—a meaning given it by the discontented, a meaning which began the movement in this country for universal suffrage. When Washington was chosen President by the electoral college, not one of its members was elected by popular vote. As doubtless originally intended, the presidential electors were appointed by the state legislatures. Had the college been chosen as it is to-day, by popular vote, and had every man voted who was qualified, not more than one hundred and fifty thousand ballots would have been cast in a population of three and a third millions, of whom nearly half a million were slaves. In an equal population to-day the vote would be six times as great. In other words, restore the election laws of 1789 and more than half the voters would be disfranchised. Then those only could vote who possessed a prescribed amount of land or income, who accepted a prescribed religious creed, and who were native-born whites. These restrictions applied to-day would cut off fully seven millions of voters. The discontent of the disfranchised was soon expressed. "A man should vote because he is a man" was the familiar cry; and the abolition of these suffrage qualifications was the first administrative change demanded by the disciples of the doctrine of 1776.

The struggle continued sixty years before manhood suffrage was finally won for the white race. It was a struggle which closed with unexpected victories. A race by law and common opinion considered the inferior was in slavery. A few of this race were free. Those in slaveholding states were an anomaly and a menace; in free states they were outcasts. In both the law gave them civil rights, but grudgingly. For forty-five years after

Jefferson's declaration of the doctrine of natural rights free persons of color were even without a country. Then New York, led by Rufus King and Chancellor Kent, made an epoch-making precedent—the constitution of 1821, which admitted free negro men to vote under the qualifications prescribed for whites, with an additional and discriminating property qualification. This was the beginning of that mighty movement culminating fifty years later in the enfranchisement of the African race in this country. The constitution of 1821 was so administered, however, that as late as 1846, close to the time of the disappearance of property qualifications for white voters, only about one thousand of the forty thousand negroes in New York voted, although fully one-third were qualified under the constitution. The reform had begun, though at this time and for nearly twenty years to come the negro slave was not legally a man.

Meanwhile, another movement for extension of the suffrage had begun, and those behind it rested their cause on their interpretation of the doctrine of 1776. A demand for the extension of the suffrage to women was made to the New York constitutional convention of 1846; another, to the Ohio convention of 1850; a third, to the Massachusetts convention of 1853. Each rejected it on the ground of expediency. But the movement was not stopped. From that time to the present the agitation for woman suffrage has continued, and the agitation has always rested on the doctrine of 1776. The agitation may be said to culminate in the admission of Wyoming, in 1890, with a constitution establishing universal suffrage—the first political fulfillment of the promise made a hundred and twenty years ago. It would not be expected that the constitution of the new state would be silent on so important a change. In its declaration of rights it recites the doctrine of 1776, adding that the right to vote and to hold office shall not be denied on account of race, color, sex, or previous condition of servitude.

While the doctrine was being thus applied, the extension of the suffrage, in the course of a hundred and fourteen years, increased the number of voters from one in twenty

in the population to one in four, by first enfranchising the white man, then the black man, and last, in fifteen commonwealths, enfranchising women—in various degree, from the right to hold a school office, as in Pennsylvania, to the right to vote and to hold any office in Wyoming. The doctrine itself was in a state of evolution, and was gradually applied to men industrially, as it had hitherto been applied to them politically. “Men by nature,” so ran the new version, “have an industrial life; all are entitled to equal industrial rights.” The transition to the new interpretation was an easy one, and the conclusion obvious. “The state must rescue and guarantee this equality.” Thus the doctrine of 1776 was made a highway from individualism to socialism. To-day millions in America believe that a foot-path runs from the highway to every man’s door.

Yet scarcely a hint of this transition is to be found in our constitutions and laws until the nineteenth century was half gone. The hint, and probably the first, was made in New York, in 1846. The new constitution of that year defined a corporation, and with slight changes, the definition found its way into the new constitutions of Iowa, Illinois, and Michigan before the decade closed. There was a reason for this apparently sudden definition and limitation of the powers of a corporation and of the powers of the legislature to create corporations.* The reason had been developing in the public mind for twenty years—the twenty years of bank agitation. In corporations—chiefly those engaged in banking—individualism had met a powerful and dangerous antagonist, “without a soul,” which had sprung into the field full-armed and protected by the powers of the state. Individualism was outflanked by a legal fiction; it had but one recourse: the state must be so reorganized that corporations should be limited in their franchises, and thus be able to do as little harm as possible to individuals. The struggle begun more than half a century ago has continued to this present, with increasing

* For an account of the growth of public distrust of corporations, see my *Constitutional History of the American People*, Vol. II, Chapters XIV, XV.

intensity. It was at first proposed in several states to forbid the legislature to create corporations, but this general attack was abandoned.

How, it was asked, could railroads and canals be built if the constitution forbade the legislature to erect corporations? The limitation might extend to banks, but would it not exclude capital from the state? Would not immigration pass by such a commonwealth and prefer one with a more generous policy? Might it not be well to permit banking, but under such limitations as to make frauds on the public and losses to the individual impossible? This was a common sentiment throughout the North and West, and was the beginning of the "industrial war" in America. For twenty years it was a war between the borrower, the individual, and the lender—the state banks. By 1860 the struggle had grown so serious that state banks were to many a synonym for dishonesty and fraud. The panic of 1857 intensified the struggle; by the opening of the Civil War it was suddenly transferred to new ground. Up to this time the chief forum of bank discussion had been the state legislatures and constitutional conventions. The issues of war suddenly transformed state questions into national. The contest between individuals and the banks was taken up by Congress, and the national banking act of 1863 was the result. A principal issue in state politics was thus transformed into an issue between national parties. This change made a new date in the history of the doctrine of 1776. The individual, instead of relying on the commonwealth to protect his natural rights, now relied on the United States. In the national issue thus made the Democratic party claimed to stand for the individual; the Republican party, for the individual and the national banks also.

The two parties stood on common ground, however, in that each sought to utilize the national government to protect the rights of individuals, thus abandoning the original ground taken by Jefferson. The contest, however, was not settled. Rather, like an insurrection, it broke out in unexpected quarters. Nationality for five years was on the defensive, and again there was presented the spectacle of the concentration of powers in a government at a time

when its life hung in the balance. Much of the legislation of these crucial years, both state and national, was paternal. Under highly favorable legislation, of which a great part was national, manufactures were stimulated beyond precedent, and many new ones were begun. On every hand corporations multiplied, and many of these owed their existence to acts of Congress. A protective policy kept many of these corporations and factories in existence, when, had that policy been modified or abandoned, they would have wound up their affairs. At this time the United States passed from a nation of farmers to a nation of factories, and for the first time began to compete in markets which hitherto older countries had considered exclusively their own.

Manufactures thus encouraged, trade and commerce extended, and all depending on Congress for life, the industries of the American people at once became the shuttlecock of political parties. There could be but one result: an increased dependence of those industries upon the national government. Individualism, as understood in 1776, was given a staggering blow. The revision of the doctrine of 1776, concurrent with these events, indicated that social changes of the deepest significance were going on. The whole character of the American people was changing. Nor were they changing in opinions or in their concept of the state only. They were making a portentous geographical change. The population was moving from country to town.*

On the day when Jefferson wrote the Declaration of Independence, not three persons in a hundred of our population dwelt in the city; to-day, thirty-three of every hundred dwell there. This swift increase of urban population in progress was only one of a vast group of critical changes contributing to a common result. The concentration of population in cities—chiefly the result of the sudden stimulus of manufactures, because it was dependent upon them for a livelihood—revolutionized transportation, business

* See Vol. I of my *Constitutional History of the American People*. Chapter V, "The Constitutional Elements"; Chapter VI, "The First Struggle for Sovereignty"; Chapter VIII, "The First Migration West."

methods, and standards of living. In 1860, more than one-half of the land in the United States capable of producing a crop was yet in a state of nature. The stimulus to manufactures created a home market, and this market, itself of extraordinary proportions, was now for the first time supplemented by an equally extraordinary foreign market. In Europe, in Asia, in Africa, no man could say, "The empire is peace." Military operations on a Napoleonic scale were there in active progress. Standing armies abroad and a temporary army of nearly two millions at home robbed the fields of labor, and made a market for farm products such as America had never known. Indeed, such a market the world had never seen. No army was ever so well clothed, so well fed, so well armed as the federal soldiers. Nor were these alone in their excellence. The betterment was general. Never before had the American farmer received so much for his crops nor the wage-earner so much for his labor. The dress of the people was wholly changed, both in quality and quantity. Home improvements hitherto only dreamed of were made on every hand. The architecture in city, town, and country changed. The old farm-house was enlarged or torn down for a better one. Village houses were improved. Churches and town-halls, business blocks and depots, sprang up as by magic. The interiors of private houses were beautified. Schools and schoolhouses multiplied, and the sudden increase in the number of college students and in the number and equipment of colleges indicated the pulse of general prosperity.

No class prospered more than the farmers. Land rose in value, and land sales exceeded in five years the number made in the preceding fifty. Never had farming paid so well. The cereal zone, hitherto limited to Pennsylvania, Ohio, Indiana, and Illinois, was rapidly extending westward and northwestward. Railroads led the way. In the small villages of Ireland, of England, of Germany, and of Scandinavia, American transportation companies sold tickets that would bring the immigrant over an uninterrupted journey of more than four thousand miles, and deposit him on a quarter-section on a line of railroad in the new West, where land of inexhaustible fertility could be had almost

for the asking. State vied with state in competing for immigrants, and a foreigner might vote in the new commonwealth if he but declared his intention to become an American citizen.

Amidst these evidences of prosperity petroleum was discovered in limitless quantities, and the problem of cheap illumination was solved. Coal for the first time became a cheaper fuel than wood. Pictures and musical instruments, hitherto rare in American homes, became more and more common. The East was smoking with factories; the West was glowing with golden grain. The nation was prosperous.

To this stupendous prosperity the national government was a chief contributor. The homestead act of 1862 had written at least one line in a folk-song:

"Uncle Sam is rich enough to give us all a farm."

He gave freely of his lands, and in less than thirty years he had parted with the best. Within the period of a single generation thirteen new states were admitted into the Union. Population, hitherto westward and south-westward, toward the close of this period turned its footsteps from the Pacific eastward for the first time. The great West, which less than half a century ago was as wild as the Oregon trail, felt the national stimulus. Nor was extension of the farm area the only phenomenon beyond the Mississippi. Agricultural methods were there revolutionized by improvements in farm implements. Cuning machines in use there represented a greater number of laborers than the entire population beyond the great river. In the older states farming was intensified rather than extended. For the first time in these states land was said to be scarce.

The home and foreign markets became a collateral security for heavy loans wherewith to purchase more land. Eastern capital for the first time was invested in vast amount in the West; the investment was freely made, and for a time safely and profitably for both borrower and lender. The West was mortgaged to the East. So gigantic became the proportions of this new business, and indeed so profitable, mortgage and trust companies sprang up, and

in a few years contributed largely to modify the business methods of the country. Water-power gave place to steam-power, new rewards stimulated invention, and there prevailed a conservation of industrial energy such as the world had never seen. The "good times" were not wholly limited to the United States. England participated in them, though in far less degree. Germany and France felt them too. As yet neither Europe nor America was forced to compete with Asiatic labor. The West was still a new world, quite unexploited.

But in the progress of these changes the individual gradually fell in importance. Iron and steel, machinery, corporations, trust companies, and industrial combinations were crowding him to the wall. He saw his danger, but he began to realize his weakness. There remained for him only two ways of escape: join the combination or become a tenant to a new, an industrial, lord of the fee. To struggle single-handed was only to be pushed nearer the wall. But was not the national government, a powerful protector, within reach? Had it not emerged from the fiercest struggle in history triumphant, and in possession of vast powers, such as the highest Federalist of the olden time had never dreamed of? The states, it was clear, no longer held first place. In our political system they henceforth should be only satellites. State politics had fallen from their old place of first importance. No man, after 1865, would resign the office of chief justice of the United States to become governor of a commonwealth, even were it the great Empire State. No man was likely again, in ordinary conditions of life, to refuse a seat in the Senate of the United States or in the President's Cabinet. Hitherto there had been thirty-two capitals of the country; thenceforth there could be but one. Hitherto the states had taken the initiative in legislation; henceforth Congress should take it, and address its laws more closely to individuals.

The doctrine of 1776 must be again revised, and the individual must seek the protection of his natural rights—now political and industrial—in the national government. This government was now visible all over the land. Post-offices of costly architecture sprang up in almost every

congressional district. Custom-houses were multiplied, rivers and harbors were dredged, a revenue marine was set afloat, stately and powerful warships were built, each costing more than the revenue of the government during its earlier years. A vast pension fund was annually distributed, and thus, in one way or another, through internal improvements, through more than a quarter of a million of federal pensioners and officials, the money of the national government was daily sifted among the people. All prospered, corporations, combinations, and individuals, and the average wealth of the people surpassed that which former ages had known. Business enterprises widened and multiplied on a scale beyond precedent. A national debt of nearly a hundred dollars for every person in the country was in process of rapid extinguishment. The President in an annual message proclaimed the time when it would disappear—the fourth year of the twentieth century. Foreign capital sought investment in America. The golden egg had at last been laid.

But constant stimulus produces some ill effects. Industry, like vaulting ambition, may o'erleap itself and fall on the other side.

By the national bank act, the government became a partner in a colossal banking business, and the country was served for the first time with a currency in most respects practically perfect. Hostility to this currency never reached the hostility displayed toward the bills of credit of "corporations," so sedulously and commonly attacked in 1846. The prosperity of the country raised it to a pinnacle of financial honor never before attained by any nation: the honor of actually paying its debts. This payment and all that it implied was a crowning glory for America; but crowning glories usually cost dear. American self-confidence, never slight, became a form of national security—and security, all men sooner or later know, is "mortal's chiefest enemy." As the doubters of our national power gradually disappeared, the belief began to prevail that ours is the strongest government on earth. Faith in a government is the soul of patriotism, but delusion and fanaticism may be mistaken for faith.

To the era of unparalleled prosperity, during which the doctrine of 1776 had been revised, there followed inevitably an era of depression. Save in a few localities, the world was at peace. American inventive genius had contributed to the prosperity of other nations. It will never be known to what extent American inventions have contributed directly to the production of the whole world. In less than half a century the markets of the world have witnessed a gradual increase in the supply of all commodities, and the consumption has not kept pace with the supply. Much of this enormous industrial activity, both in the United States, in South America, and in Europe, was carried on by means of credit. The use of credit was a chief factor in founding western states, in extending agriculture, in building towns, and in county improvements. In the older states, credit was also used to a greater extent than before in establishing factories, and in franchises granted by cities, counties, and states. The use of credit in railroad construction, betterment, and administration was unparalleled. This vast use of credit was in nearly every instance by corporations. Their operations surpassed even the financial transactions of the national government. The tax on the industries represented by these operations swelled state and federal revenues. "The government," men began to believe, "is able to raise any amount of money, because it is 'a government of the people, by the people, and for the people.' Its wealth is their wealth. What possible chance of loss when the promise of the government is secured by the aggregate property of the richest people in the world." The nation had made the people rich. Is not the nation the government, and can it not make everybody rich if it chooses? Does not every man have a natural right to riches, and is not government for the purpose of realizing the right? Surely the government keeps millions of intrinsically worthless paper in circulation, and by its stamp maintains it all at the value of gold. Why should there be any limit on the issue, other than the limit of the people's aggregate wealth?

The idea was not new. It was familiar to the people when Jefferson penned the Declaration. But at that time

the individualism of American democracy did not look to Congress as the fit author of such an issue. The thirteen states were then considered the proper source. When, twelve years later, the adoption of the national Constitution was the issue, all who opposed adoption were identified locally with the party favoring an unlimited state issue of paper currency. Seventeen votes could have rejected the Constitution in the conventions called to ratify it and thrown the country into political chaos. The framers of the Constitution knew the state of the country when they inserted the clause forbidding the states to issue bills of credit or coin money, or "make anything but gold and silver coin a tender in payment of debts." But the critical struggle which resulted, happily, in the formation of the more perfect union was long ago; it is now quite forgotten, and its issues, even when made known, only slightly affect the conduct of the living.

Soon after the close of the Civil War the vast wealth of the country began to fall into the hands of a few. Some by accident, but a greater number by skill, increased their fortunes far beyond any precedent which this country had afforded. A few of these men of vast wealth were farmers; most of them were manufacturers or the owners of exclusive franchises. History now repeated itself. The cry in 1846 had been, "Down with corporations"; now the cry was, "Down with monopolies." Nor was the cry a sudden one. The murmurs of discontent had been swelling for twenty years. Individualism took new alarm, and through a powerful political party sought to utilize the national government in self-defense.

Public sentiment throughout the West was sterner than in the East. When the people of the Dakotas and Montana and Idaho and Wyoming and Washington and Utah sought admission into the Union, they had already defined in their state constitutions the monopolies with which they were contending, and they attempted to defend the individual in the exercise of his industrial rights. They went further in their effort to diminish the power of monopolies than New York, Ohio, Indiana, Illinois, Iowa, and Michigan had gone in their efforts to diminish the power of

corporations half a century before. This struggle between individualism and monopoly was not a sudden quarrel. When a written constitution formulates such a struggle, it is evidence that the struggle has long been going on. Private thought has become public sentiment; agitation has become the statute, and the statute has been embodied in the constitution. These anti-monopoly clauses in the later state constitutions are evidence that the doctrine of 1776 has been given a new interpretation. Another step has been taken from individualism to socialism. In 1776 it was the state which had few rights that the individual felt bound to respect; in our day, individuals complain that they have few rights which corporations and monopolies respect. Therefore the individual appeals to the government for protection. He seeks to organize a government in which some corporations and all monopolies shall be unconstitutional. This essentially is socialism. These anti-monopoly constitutions, and the legislation resting upon them, are little state arks of safety leading the way for the national fleet of the future.

In the fundamental laws of the commonwealths admitted since 1876, the industrial interpretation of the doctrine of the Declaration is unmistakable. Thus North Dakota in its bill of rights defines the natural rights of man to be industrial as well as political. His is "the right to labor," and it is the function of the state to secure him both occupation and the fruits of his labor. Between him and monopolies the state shall be a barrier. The state is viewed to-day in an entirely different light from that of a century ago. The individualism of 1776 complained of too much government; to-day it complains of too little. Then the state was not conceived as an organism functioned to promote the general welfare; now the state is conceived as the source and fountain of justice, protection, and authority. No one in Jefferson's time conceived of the state as the true and exclusive owner of rights and privileges in our day exercised by common carriers, such as railroad, steamship, telegraph, and traction companies. State ownership, county ownership, city ownership, of such properties is no longer an unfamiliar thought. The later constitutions are

full of a latent socialism of which those of the eighteenth century contain no hint. Nor are these later instruments unsupported. A various and voluminous body of legislation embodies an approving public opinion.

There is evidence here of a discontent which turns with confidence to government as the common protector and to the national government as supreme. The confidence bred by prosperity is strengthened by the hope bred amidst adversity. The socialization of government has begun.

INDEX

A

Abolitionists, 388-404.
 Acadia, 111.
 Adams, Alvon, 432.
 Adams, Charles Francis, 386, 457, 475.
 Adams, John, 154, 155, 163, 166, 167, 208, 220, 251; Vice-President, 289, 295; President, 302-310; his books, 316.
 Adams, John Quincy, 320, 343; President, 350-352, 361, 366.
 Adams, John Quincy (2d), 476, 477.
 Adams, Samuel, 129, 159.
 Agriculture, Colonial, 146, 147 (1776-1800), 311, 312, 318 (1900), 593, 605, 606.
 Aguinaldo, 523.
 Alabama, admitted, 348, 495.
 Alabama claims, 475.
 Alabama, the, 457.
 Alaska, 347, 470, 504, 580.
 Albany, 356.
 Alcott, Louisa M., 436.
 Aldrich, T. B., 435.
 Alexander VI., Pope, 16.
 Algonquin race, the, 3.
 Alien act, 306-308.
 Allen, Ethan, 69, 162.
 Allen, Horatio, 362.
 Alliance, Farmers' party (1890), 510, 511.
 Allison, W. B., 498.
 Almanac, Colonial, the, 155, 156 (1776-1800), 314.
 Amendments to Constitution, the first Ten, 294; the Eleventh, 307, 413; the Twelfth, 332; proposed Thirteenth of 1861, 441; the Thirteenth, 469; the Fourteenth, 469; the Fifteenth, 473.
 "American's Messenger," 153.
 American Prohibitionist party (1884), 502.
 American Revolution, outbreak, 159-167; the contestants, 203-206; military events, (1776), 206, 207 (1777), 208-211 (1778-79), 212-217 (1780-81), 218-220 (1781-83), 220, 221; character of, 222-234.
 "American System," the, 357 (see tariff).
 Ames, Fisher, 295, 301.
 Amherst, Jeffrey, General, 122.
 Amusements (1776-1800), 325, 326 (1800-30), 363, 364.
 Anæsthetics, discovery of, 428.
 Anderson, Robert, Major, 440, 444, 445, 464.
 André, John, Major, 217, 218.
 Andros, Sir Edmund, in New York, 53; in New England, 78, 79; Governor of New Jersey, New York, and New England, 84.
 Annapolis, Md., 94; U. S. III. Convention, 276, 277, 281.
 Anne's War, Queen, 110.
 Antietam, 458.
 Anti-Masonic Convention, 370.
 Anti-Nebraska Men, 398.

Appomattox, 464.
 Arkansas, 375.
 Armada, the, 30.
 Army, first revolutionary, 160-167, 203-220 (1812), 339-343; of the Potomac, 449, 453, 454; Virginia, 449, 452, 453, 454, 464; of the Cumberland, 449, 452; of the West, 449, Trans-Mississippi, 449; of Tennessee; 452; of Ohio, 452; Atlantic plain, the, 569, 570.
 Arnold, Benedict, 165, 210, 217, 218.
 Argus, frigate, 341.
 Arlington, Lord, and Virginia, 40, 41.
 Arthur, Chester A., 435, 499, 500.
 Asbury, Bishop, 323.
 Ashburton, Lord, 378.
 Assumption, of revolutionary debts, 290-293.
 Astoria, 331.
 Atkins, Samuel, 153.
 Atlanta, 427, 463, 591.
 Atlanta, the, 458.
 Auburn, 364.
 Authors (1640-1776), 152, 156 (1776-1800), 313-317 (1800-1830), 359-360 (1830-1860), 434, 436 (1860-1900), 585.
 Aztecs, the, 20, 21.

B

Bacon, Nathaniel, 40, 41.
 Baker, Edward D., 392.
 Balboa, 17.
 Baltimore, 311, 312, 342, 354, 357, 380, 386, 394, 395, 403, 428, 477.
 Baltimore, Lord (see Calvert).
 Bancroft, George, 365, 434, 585.
 Bank, U. S. (1791), 293, 294; charter refused, 344; of 1816, 344, 362, 363; and Andrew Jackson, 371, 372; banks, state, 422, 423, 491; banking system, national (1863), 473, 474.
 Barlow, Joel, 315, 359.
 Barron, Commodore, 334.
 Bayard, James A., 343.
 Bay Psalm Book, The, 152.
 Bear State, The, 385.
 Beauregard, General, 444, 449, 450.
 Bedticks, 323.
 Beecher, H. W., 365.
 Bell, Alexander G., 584.
 Bell, John, 403, 404.
 Bemis Heights, 210.
 Bentley, C. E., 514.
 Benton, Thomas H., 320, 366, 392, 437.
 Bergen (Fort Nassau), 83.
 Bering, Vitus, 18.
 Berkeley, Lord, 83.
 Berkeley, Sir William, 38-42.
 Beverley (Mass.), 323.
 Bible, the, 314.
 Bidwell, John, 511.

- Bills of Rights (1776-1800), 186-191; (1800-1860), 417, 418; (1865-1900), 483.
 Binghamton, 312.
 Birney, James G., 376, 377, 380, 400.
 Bishop, first R. C., 323.
 Black, James, 476.
 Blackstone, "Commentaries," 171, 172.
 Blaine, James G., 435, 499, 501.
 Blair, Francis P. Jr., 472.
 Blair, James, 42.
 Blanco, General, 518.
 Bland, R. P., 498.
 Bland bill, 498.
 Bland dollars, 498.
 Blockade (1861-1865), 447, 456, 457; Cuba, 519.
 Blount, James H., 512.
 Bonds (1861-1865), 448, 449; (1866), 473, 474; (1894), 513.
 Bonhomme, Richard, 215, 216.
 Books, celebrated Colonial (1640-1776), 152-156; (1776-1800), 314-316; (1800-1830), 359, 360; (1830-1860), 434-436; (1860-1900), 585, 586.
 Boone, Daniel, 214.
 Booth, John Wilkes, 465.
 Boscawen, Admiral, 121.
 Boston (Tremont), 63; "Massacre," 135; tea-party, 136; Fort Bill, 136, 137, 159, 311, 364, 428, 430.
 "Boston News Letter," 153.
 Boundaries, National, by treaty of 1783, 220, 221; by treaty of Ghent (northern), 346; Texas, 346; northwest (1842), 378; northwest settled (1846), 381.
 Bowdoin, Governor, 276.
 Bowling Green, 450.
 Boxer, frigate, 341.
 Braddock, Edward, General, 118-121.
 Bradford, William, 60, 153.
 Bradstreet, Mrs. Anne, 152.
 Bragg, Braxton, General, 451, 452.
 Brant, Joseph, 210, 213.
 Brattleboro, 69.
 Brazil, discovery of, 14, 16, 17.
 Breckenridge, John C., 399, 403, 404.
 Breed's Hill, 163.
 Brick, machine-made, 357.
 Brooke, General, 522.
 Brooklyn, 427.
 Brooklyn Heights, 206.
 Brooks, John A., 505.
 Brooks, Phillips, 435.
 Brown, B. Gratz, 476, 477.
 Brown, Charles Brockden, 315.
 Brown, John, 402.
 Brown University, 67.
 Brush, Charles G., 584.
 Bryan, W. J., 515, 525.
 Bryant, William Cullen, 317, 359, 365, 434, 585.
 Buchanan, James, 399, 400; administration, 400-403, 440.
 Buckner, Simon B. General, 450, 515.
 Buell, D. C. General, 449, 450, 452.
 Buena Vista, 382.
 Buffalo (city), 354, 380, 386.
 Bull Run, 449, 454.
 Bunker Hill, 163-164.
 Burgoyne, John, General, 209-211.
 Burke, Edmund, 132.
 Burlingame, Anson, 470.
 Burnett, Frances H., 436.
 Burnside, A. E. General, 452, 453, 458.
 Burr, Aaron, 295, 302, 310.
 Butler, B. F. General, 451, 502.
 Butler, William O., 386.
- ## C
- Cable, Atlantic, 430.
 Cable, George W., 436.
 Cabot, John, discovers North America, 15.
 Cadwalader, Dr. Thomas, 313.
 Calhoun, John C., 319, 337, 361, 370, 392, 393, 394, 436, 437.
 California, 331, 385, 386; discovery of gold in, 390; question of admission of into the Union, 390-394.
 Callender, Thomas, 307.
 Calvert, George, Lord Baltimore, 92, 94, 95, 97.
 Cambon, M., 522.
 Camden, S. C., 217.
 Canadians, where settled, 582.
 Canals, in 1830, 354, 355 (1830-1860), 430.
 Cane-sugar, 325.
 Cape Cod, 56.
 Carey, Mathew, 315.
 Carleton, Sir Guy, 165.
 Carolinas, discovered by John Cabot, 15; grant of, 97; the Grand Model, 97; population, 98; industries, 98; divided, 98; Indian wars, 99; the Tuscaroras, 99.
 Carpet, brussels, 430.
 Carpenters' Hall, 138.
 Carriage factories, 356.
 Carteret, Sir George, 83.
 Cartier, Jacques, 25.
 Carver, John, 59.
 Cary, Samuel F., 479.
 Cass, Lewis, 386, 392.
 Castine, 110.
 Catawbas, the, 3.
 Catholics, Roman, Indian missions, 5; in New York, 52, 53; in England, 57; in Massachusetts, 79; in Maryland, 93, 94, 95, 96; as explorers, 111; in Quebec, 137, 188, 323.
 Cedar Creek, 462.
 Census (1790), 311 (1800), 327 (1830), 353, 354, 362 (1840), 438 (1860), 425, 426, 427.
 Centennial exhibition, 497, 584.
 Central Falls, 357.
 Cervera, Admiral, 519, 520.
 Chadds Ford, 209.
 Chambers, B. J., 499.
 Champlain, Samuel de, founds Quebec, 26; character of, 27; antagonizes the Five Nations, 27, 28.
 Chancellorsville, 458.
 Channing, William Ellery, 359.
 Chapultepec, 383.
 Charitable Institutions, 490.
 Charles I. and Maryland, 92-95, and New England, 61, 63, 68.
 Charles II. and Virginia, 39, 40, and New Netherland, 53, and New England, 76, 77.
 Charleston, 63.
 Charleston, S. C., 216, 311, 354, 403.
 Charter, of Massachusetts (1629), 62; annulled, 78; new charter (1691), 79.
 Chase, Salmon P., 364, 392, 415.
 Chattanooga, 452.
 Chemicals, 356.
 Cherokees, the, 3.

Chesapeake, frigate, 334, 335.
 Chester, Pa., 86.
 Chicago, 403, 427, 428, 472, 499, 501, 502, 506; Exposition, 591, 592.
 Chicago, the, 507.
 Chickasaws, the, 3, 23.
 Childs, Lydia Maria, 359.
 China, 470.
 Chinese, exclusion of, 501, 504, 582.
 Chloroform, 428.
 Choctaws, the, 3, 23.
 Churches (1776-1800), 323.
 Cienfuegos, 521.
 Cincinnati, 312, 354, 356, 399, 476, 479, 499, 505, 511.
 Cities (1776-1800), 311, 312; population (1790), 311, 323; (1830), 354; streets, 354; improvements, 355, 583; compromise of 1850, 391-394, 396; (1830-1860), 428; population (1865-1900), 488, 583.
 Civil war, the, causes, 441-444; campaigns, 444-465.
 Clarendon, Lord, 97.
 Clarke, George Rogers, 213, 252.
 Clarke, James Freeman, 364.
 Clarke, William, 331.
 Clay, Henry, 320; Speaker, 337, 343; nominated for President, 370; compromise of 1833, 371, 378, 380, 381; and the Whigs (1840), 378; nominated for President, 380, 391, 393, 396, 436, 437.
 Clayborne, William, 95.
 Clemens, Samuel L. ("Mark Twain"), 435, 585.
 "Clermont," the, 361.
 Cleveland, 312; 479, 499.
 Cleveland, Grover, 435; President, 502-506, 510-514.
 Clinton, De Witt, 310.
 Clinton, George, 295; Vice-President, 332, 336.
 Clinton, Governor, 276.
 Clinton, Sir Henry, 212, 213, 216.
 Coal, 324, 357.
 Cobb, Howell, 392.
 Cochrane, John C., 460.
 Cockburne, Admiral, 342.
 Colfax, Schuyler, 472.
 College of Philadelphia, 313.
 College training (1776-1800), 312; (1830-1860), 433.
 Collins Line, 433.
 "Colonial," term, 138.
 Colonies, the, natural divisions and groups, 144; trade, 144; population, bond and free, 144; nationalities, 145; population, numbers, 145; redemptioners, convicts, 145; pig-iron, 146; agriculture, 146-48; trade-centers, 146, 147; the New England people, 147; the planters, 148; education and schools, 148, 149; the Assemblies, 150; taxation by Parliament, 150; the suffrage, 150, 151; politics and politicians, 151; pamphleteers, 152; books (1640-1776), 152-156; newspapers, 153; the almanac, 155, 156; travel, 156; inns, 156; industrial restrictions, 157.
 Colorado, 480, 496.
 Colt, Samuel, 428.
 Columbia University (King's College), 149.
 Columbus, Christopher, calls the natives "Indians;" birth, 10, 11; youth, 11; and

Marco Polo, 11; theory of reaching Asia, 11; and Toscanelli, 11; efforts to equip a fleet, 11, 12, aided by Isabella, 12; secures a fleet, 12; first voyage, 12; discovery of land, 13; exploration of the islands, 13; second voyage, 13, 14; third and fourth voyages, 14; his ideas of the new region, 14; death, 14.
 Columbus, Ohio, 476.
 Commerce, ruin of American (1801-1812), 328-338; (1848-1900), 593, 594-597.
 Commission (1898), on treaty of peace with Spain, 523.
 Committees of Correspondence, 151, 160.
 "Common Sense," by Thomas Paine, 152, 155.
 Compromise of 1850, 391-394.
 Conant, John A., 502.
 Concord, 160-162.
 "Concord Hymn," 161.
 Confederacy, Southern, 440, 445.
 Confederate States of America, 440, 445.
 Confederation, the, formation, 235-240; efficiency, 241; defects, 242, 243; difficulties, 245-247; limitations, 247-249; attempted reform of, 250; work of, 251, 252; State land cessions to, 252-254; collapse of, 263-282, bills of credit issued by, 268-273, 277-280; general character of, 255-265.
 Congress, first Colonial (1689), 54; Albany (1754), 117; Stamp Act (1765), 130, 131; continental (1774), 138-140, second continental (1775), 161, at York, Lancaster, Baltimore, 209; character of (1774-1776), 222-230; of the confederation (1781-1789), 251; confirms Washington's cabinet, 291; creates executive departments, 291; organizes the judiciary, 291; on assumption of the debts, 292-293; charters the United States bank (1791), 294; fugitive slave law (1792), 294; proposes amendments to the constitution, 294; lays embargo (1794), 300; and Jay's treaty, 300, 301; Spanish treaty (1793), 301, alien and sedition acts, 306-309; repeal alien and sedition acts, 329; non-importation act, 334; its repeal, 336; "Macon bill," the, 336; declares war with England, 337; Foote resolution, 369; Force bill (1833), 371; independent treasury, 375, 378; attitude toward slavery, 294, 386, 388-394, 397, 398, 401, 441-444, 459, 460; resolution to preserve the Union, 446; and reconstruction, 467, 481; silver question in, 498, 508, 512; tariff (see under); presidential succession, 500; polygamy, 501; civil service, 501; electoral vote, 503; interstate commerce, 504, 509; department of labor, 504; Chinese exclusion, 504; Sherman act, 508, original package law, 509; Louisiana lottery, 509; public lands, 509; repeal of the Sherman act, 512; issue of bonds (1894), 513; Spanish-American war, 517, 519; Hawaii, 523, 524; Cuba, 524; Porto Rico, Philippines, 524; attitude toward manufactures, 604; toward the banking business, 608 (and see Banks).
 Congressional Caucus, 340, 350.
 Connecticut, 67, 69, 70-73; the Dutch in, 70; becomes a state, 177; case of Winthrop vs. Lechmere (1727-28), 257, 258; bank (1790), 311 (1800), 327.

Conquest, the Spanish, origin (see Columbus, Christopher); extent of, 20-24.

Constantinople, 9, 10.

Constitution, the, frigate, 341.

Constitution of the United States, formation, 283-288; the President, 284, 285, 286; the courts, 284; the legislature, 283, 284; slavery, 285; the vice-president, 284, 285; the Virginia Plan, 286, 287; the New Jersey Plan, 286, 287; compromises, 287; sources of, 287, 288; ratification, 288, 289 (see amendments).

Constitutions, of the states (1776-1800), 168-201; framers of, 178-184; Bills of Rights, 186-191; the Legislature, 191-194; the Executive, 195, 196; the Judiciary, 196-198; Administration, 198, 201; the Suffrage, 199, 200; general character of the American, 255-263 (1800-1860), 417-424 (1860-1900), 482-496; eminent framers of (1800-1860), 424.

"Continental," the term, 138.

Continental bills, 269-281.

"Contraband of War," 459.

Conventions, constitutional (1776-1800), 172-184; Lecompton, 415; Kentucky (1849), 438; "Restoration," 1865, 468, 469; "Reconstruction, 1867-68, 469; Mississippi (1890), 491-493, 548, 549; South Carolina (1895), 493; Louisiana (1898), 494, 495.

"Conway cabal," 212.

Cooper, James Fenimore, 319, 360, 434.

Cooper, Peter, 362, 479.

Corinth, 451.

Cornwallis, Lord, 207, 208, 216, 217, 218, 219, 220.

Coronado, Francisco de, 23.

Corporations, 422, 490.

Cortés, 18, 21.

Corwin, Thomas, 392.

Cotton, 312, 324.

Cotton duck, 356.

Cotton gin, 312.

Cotton mills, 323, 356.

Cotton prints, 356.

Cotton-yarn, 323.

Council Bluffs, 438.

Coueurs de bois, 112.

Courts, the (see judiciary).

Cowdrey, Robert H., 505.

Cranfill, J. B., 511.

Crawford, William H., 350, 351.

Creeks, the, 3, 23.

Cristobal Colon, the, 520.

Crittenden, John J., 441.

Cromwell and Maryland, 96.

Croton aqueduct, 428.

Crown Point, 124.

Cuba (Spanish-American War), 516-519, 520-522, 523, 524.

Cuban junta, 518.

Culpepper, Lord and Virginia, 40, 41.

Cumberland Gap, 450.

Cumberland (R. I.), 323.

Cumberland River, 450.

Cumberland, the, 455.

Cumberland Road, 361.

Cumberland Valley, 462.

Cunard Line, 433.

Cunningham, Charles E., 505.

Curtis, G. W., 365, 435.

Cushing, Caleb, 475.

Custer, General, 590.

Cutlery, table, 430.

D

Da Gama, voyages, 15

Daguerreotypes, 428.

Dakota Indians, the, 3.

Dale, Sir Thomas, 36.

Dallas, George M., 380.

Dalton, Ga., 463.

Dana, Richard Henry, 359.

Daniel, William, 502.

Dartmouth, 361.

Davenport, Iowa, 427.

Davie, William R., 306.

Davis, David, 472.

Davis, Jefferson, 364, 392, 440, 445, 464.

Day, Secretary, 522, 523.

Dayton, 312.

Dayton, William L., 392, 399.

Dedham, 325.

Deaf and dumb, schools for, 364.

Dearborn, General, 342.

De Bienville, 114.

Debt, public (1789), 290-293; (1861), 448; (1865), 473.

Declaration of Independence, 166, 167, 203, 204; character, 234, 235, 264.

De Kalb, 209.

Delaware, founded, 90; the Dutch and the Swedes, 90; William Penn, 90; separated from Pennsylvania, 91; convention, 175; rank (1790), 311; (1800), 327.

Delaware, Lord, in Virginia, 35.

De Leon, Juan Ponce, 22.

De Lome, Dupuy, Señor, 518.

De Monts, 26.

Dentistry, 324, 430.

Denton, Daniel, "Brief Description of New York," 152.

Departments, executive, 291.

Department of Labor, 501, 504.

Democrats (Jeffersonian), 328, 329; (Jackson), 351; nominations (1828), 352; election of 1828, 368; national convention (1832), 370; (1836), 374; convention (1840), 376; convention (1844), 380; convention (1848), 386; convention (1852), 394; (1856), 399; (1860), 403, 404; (1864), 401; (1868), 472; (1872), 477; (1876), 480; (1880), 499; (1884), 502; (1888), 505; (1892), 510; (1896), 514, 515; (1900), 525.

Democrats, "Straight-Out" (1872), 477, Detroit, 342.

Dewey, George, Commodore, 519; admiral, 522.

Dickinson, John, 138, 154.

Dingley, Nelson, 515.

Directory, the French, 304, 305, 306.

Discoveries, notable (1752-1776), 143; (1776-1800), 323, 324; (1800-1830), 356, 357; (1830-1860), 429, 430.

District of Columbia, in compromise of 1850, 389-394.

Dodge, Mary Mapes, 436.

Donelson, Andrew J., 399.

Dorchester, 62, 63, 71.

Douglas, Stephen A., 392, 396, 401, 403, 404, 441.

Dover, 69.

Dow, Neal, 499.

Drake, E. L., 430.
 Drake, Sir Francis, 21.
 Draper, John W., 428.
 Dred Scott, 400, 415.
 Duane, William J., 372.
 Dubuque, 427.
 Dudley, Joseph, 78, 79.
 Duke of York's laws, 53.
 Dulany, Daniel, 154.
 Dunlap, William, 359.
 Duquesne, Marquis, 115.
 Durham, 110.
 Dutch East India Company, 47, 48.

E

Early, Jubal, General, 462.
 Edison, T. A., 584.
 Edmunds act, 501.
 Edmunds, George F., 501.
 Edwards, Jonathan, 143.
 Eggleston, Edward, 436.
 Elberon, 500.
 El Caney, 521.
 Elections, presidential (see Democrats, National-Republicans, Federalists, Republicans).
 Electoral Commission, 480.
 Electricity and its applications, 143, 583, 584.
 Eliot, John, Rev., 65, 152.
 Elizabethtown, 83.
 Elizabeth, Queen, and American colonization, 30-32.
 Ellmaker, Amos, 370.
 Ellsworth, Oliver, 291, 306, 310.
 Emancipation proclamation, 458-460.
 Embargo, 335, 336.
 Emerson, Ralph Waldo, 161, 359, 435, 585.
 Endicott, John, 62.
 "Endless chain," 512.
 English, William H., 500.
 Enterprise, frigate, 341.
 Episcopal church, in Virginia, 45; in New York, 52, 53; in Massachusetts, 63, 79; in New Hampshire, 68; in Maryland, 96; in the Carolinas, 98; first convention of, 323.
 Equal rights party (1884), 502.
 "Era of Good Feeling," 345.
 Eric, the Red, 9.
 Ericson, John, 455.
 Erie, 114.
 Essex, the, 507.
 Ether, 428.
 Evarts, W. M., 475.
 Evans, Captain, 520.
 Evacuation Day, 220.
 Everett, Edward, 403, 404.
 Eutaw Springs, 219.
 Executive, the, early state (1776-1800), 195, 196; (1800-1860), 420, 421; (1865-1900), 486, 487.
 Exports and imports (1870-1900), 594-597.
 Expositions, Philadelphia (1876), 498, 584; Atlanta (1881), New Orleans (1884), Chicago (1893), Nashville (1896), 591, 592.
 Express business, 432.
 Exeter, 69.

F

Fair Oaks, 454.
 Fajardo, 522.
 Fall River, 356.

Farewell address, 303.
 Farmer, Moses G., 584.
 Farmer, the American, 593, 596; 606, 610.
 Farmers' grange, or league, 510.
 Farragut, David G., Admiral, 461, 463.
 Federal convention, origin, 276-282; frames the constitution of the United States, 283-288.
 Federalist, the, 315.
 Federalists, the, 295; fall of, 304-310; characteristics of, 320, 321; 328, 329, 332, 340, 345, 350.
 Ferryboats, 361.
 Field, James G., 511.
 Fillmore, Millard, 365, 386, 387, 399; 470.
 Fire-brick, 357.
 Fire engines, 428.
 Fire-grates, 357.
 Fiske, Clinton B., 505.
 Fiske, John, 436, 585.
 Fitch, Augustus, letter of, to President Jackson on nullification, 414, 415.
 Fitch, John, 324.
 Five Forks, 464.
 Five Nations, the, supremacy of, 2, 3; clans of, 4; and Champlain, 27, 28; and the French, 28, 29; and the Dutch, 47-50, 54, 55; and the French, 113.
 Flannels, 356.
 Florida, the, 457.
 Florida, 15, 22, 24; contest between French and Spanish over, 26, 124; Jackson in, 345, 346; purchased, 346, 387, 495.
 Foote, A. H., Admiral, 450, 451.
 Foote, Mary Hallock, 436.
 Foote Resolution, 369.
 Force Bill, 371.
 Ford's Theatre, 465.
 Forts, Orange, 48; Nassau, 47, 48; Le Bœuf, 115; Michault, 115; Duquesne, 116; Necessity, 116; Washington, 207; Lee, 207; Edward, Ticonderoga, 209; Stanwix, 210; Erie, 342; McHenry, 342; Sumter, Moultrie, Castle Pinckney, 440; Henry, Donelson, 450; Morgan, Gaines, 463; Sumter, 464.
 Fra Mauro map, 10, 11.
 Framers, of state constitutions, 178-185; of U. S. Constitution, 283.
 Francis I., King, 25.
 Franklin (Pa.), 115.
 Franklin, Benjamin, in Philadelphia, 87; opposes the Penns., 89; agent of Pennsylvania, 89; and the University of Pennsylvania, 90; and slavery, 102; and General Braddock, 118; Thackeray's travesty of, in the Virginians, 119; opposes the Stamp Act, 128; examined in parliament, 132; experiment with the kite, 143; Poor Richard's Almanac and "The Way to Wealth," 155, 156, 167, 208, 220; as a force in the revolution, 225, 232, 233, 251; on paper money, 268, 269; a framer of the constitution, 283; death, 309; printing house, 314; autobiography, 315, 316; notes on Virginia, 315; first American edition of works, 359; ideas of government, 529, 533.
 Fredericksburg, 458.
 Freeport, Ill., 398.
 Free-soil party (liberty party), convention (1848), 386, 388-404; convention (1852), 395.
 Frelinghausen, Theodore, 380.

Fremont, John C., 384, 385, 399, 400, 460, 461.
 Frenan, Philip, 315.
 French, the, in America; treatment of the Indians, 5, 6, 26, 27, 28, 105; colonization, 25-29; claims, 105, 106; explorations by, 106-108; at war with the English, 108, 109-124; results of the war, 124; plant plates as boundary marks, 114.
 French colonization, begun, 25, 26; extent, 27, 29.
 French fleet, in the revolution, 212, 213, 219, 220.
 French revolution, affects America, 297-301, 304-307.
 Frontenac, Count, 109.
 Frontier, the colonial, 148; Pennsylvania (1794), 296; (1785-1795), 301.
 Fugitive slave law (1792), 294.
 Fulton, Robert, 361.
 Furnaces, 357.
 Fustians, 323.

G

Gadsden, Christopher, 131.
 Gadsden, James, 386.
 Gage, Thomas, General, 159-162.
 Gaines's Mill, 454.
 Gallatin, Albert, 295, 321, 343.
 Galloway, Joseph, 154.
 Garfield, James A., 435, 499, 500.
 Galvanized iron, 357.
 Garrison, William L., 396.
 Gas, 356.
 Gates, Horatio, General, 210, 211.
 Gayarré, Charles E. A., 359, 365.
 "General Order No. 1," 454.
 Genêt, Citizen, 298.
 George II. and Georgia, 99; King George's war, 113.
 Georgia, grant of, 99; history of under the trustees, 100; industries, 100, 101; slavery, 101; the Wesleys, 101; Whitefield, 102; the charter surrendered, 103; conventions, 176; rank (1790), 311; (1800), 327; (1830), 425; 495.
 Germantown, 153.
 Gerry, Elbridge, 283, 295, 304; vice-President, 340.
 Gettysburg, 458.
 Giddings, Joshua R., 392, 416.
 Gilder, R. W., 436.
 Glass, 323.
 Gloucester, N. J., tea-party, 136.
 Godfrey, Thomas, 153.
 Goodrich, S. G., 359.
 Goodyear, Charles, 428.
 Goldsboro, 464.
 Gold, discovery of, in California, 390; its effect, 391-394, 562.
 Gorges, Sir Ferdinando, 56; 68.
 Gosnold, Bartholomew, 56.
 Graham, William A., 395.
 Grand model, the, for the Carolinas, 97.
 Grange, farmers', 510.
 Granger, Francis, 375.
 Grant, Ulysses S., 365; in the civil war, 450, 451, 452, 454, 458, 461, 462, 463, 464, 466, 471; President, 472-477; renominated, 477; second term, 477-481; 499; death, 503; Memoirs, 586; character, 588.
 Gray, Robert, Captain, 331.

Gray, Elisha, 584.
 Great Meadows, 116.
 Great Western, the, 432.
 Greeley, Horace, 364, 434, 476, 477.
 Greenbacks (1873), 478.
 Greenback party (1876), 479; (1880), 499; (1884), 502.
 Greene, Nathaniel, 218, 219.
 Greenfield, Mass., 430.
 Green Mountain Boys, 162, 209.
 Guerriere, frigate, 337, 341.
 Guiteau, Charles J., 500.
 Gunboat policy, 334.
 Guns, rifled, 430.
 Gutta-percha, 430.

H

Hale, E. E., 365.
 Hale, John P., 392, 400.
 Halifax, 165, 166.
 Halleck, Fitz Greene, 359.
 Halleck, Henry W., General, 449, 451.
 Hamilton, Alexander, 154; at the Annapolis convention, 281; chosen to federal convention, 281; Secretary of Treasury, 291, 292-294; 297, 303; a Federalist leader, 292, 295, 297, 300, 307; and the election of Jefferson, 310; "The Federalist," 315; works, 359; and State sovereignty, 412; ideas of government, 529.
 Hamlin, Hannibal, 392; vice-President, 403, 404.
 Hancock, John, 159.
 Hancock, W. S., 499.
 Harnden, W. F., 432.
 Harper's Ferry, 402.
 Hartford, 70, 71, 356, 364.
 Harrison, Benjamin, 435, 506.
 Harrison's Landing, 454.
 Harrison, William Henry, 320, 337, 341, 342, 367, 375, 376, 377, 378.
 Harte, Francis Bret, 436, 585.
 Harvard, John, 65.
 Harvard University, 65; 361.
 Harrisburg, 312.
 Havana, 124, 518, 519, 520.
 Haverill, 110.
 Harvey, Sir John, 38.
 Hayes, R. B., 365; President, 480-481; 497-499.
 Hayne, Robert Y., 369, 370.
 Hawaiian islands, 511, 523, 524.
 Hawkins, Sir John, 30.
 Hawthorne, Nathaniel, 359, 365, 435.
 Hendricks, T. A., 477, 480, 502.
 Henrietta Maria, Queen, 92.
 Henry VII., King, 12, 15.
 Henry, Patrick, first appearance as a lawyer, 45; famous speech, 46; 129, 130, 141.
 Herkimer, Nicholas, General, 210.
 Hessians, the, 165, 207, 208.
 Hildreth, Richard, 365, 435.
 Hobart, Garret A., 435, 514.
 Hobkirk's Hill, 219.
 Hobson, Richmond P., 520.
 Hoe & Co., R., 429.
 Holland, J. G., 435.
 Holmes, Oliver Wendell, 359, 364, 435, 585.
 Holy Alliance, 349, 350.
 Homestead law, 404.

Hood, John B., General, 463.
 Hooker, Joseph, General, 452, 458.
 Hooker, Thomas, 71.
 Hopkins, Stephen, 67.
 Hopkinson, Francis, 154, 315.
 Hopkinson, Joseph, 315.
 Hornet, frigate, 341.
 Horse-cars, 428.
 Hospitals, 428.
 House of Burgesses, 36.
 Howe company, the, 430.
 Howe, Elias, Jr., 429.
 Howe, William, General, 163-166, 206, 209.
 Howells, W. D., 436, 585.
 Hutchinson, Anne, 66.
 Hudson Bay Company, 380.
 Hudson, Henry, 47.
 Huguenots, 25, 26; in the Carolinas, 98.
 Hull, General, 342.
 Hurons, the, and Champlain, 5.

I

Idaho, 508.
 "Ik Marvel," 365.
 Illinois, admitted, 348; rank (1860), 425; rank (1900), 581.
 Immigration, 318; foreign (1820), 353, 417; (1830-1860), 426, 433; (1800-1900), 557, 563, 565, 566, 567, 582.
 Impeachment of Andrew Johnson, 471.
 Imports and exports (1870-1900), 594-597.
 Indentured servants, 145.
 Indiana, 345; rank (1860) 425.
 Indianapolis, 427, 479.
 Indians, the, so named by Columbus, 1; characteristics, 1; antiquity of, 2, race divisions, 3; numbers, 3; domestic life, 3, 4; ideas of religion, 5; Indian ideals, 5; relations with the whites, 5, 6; vestiges of, 7; reservations, 7, 8; and the Dutch, 47-50, 54, 55; in New England, 60, 70; Pequot war, 72; King Philip's war, 77; in New Jersey, 84; in French and Indian war, 105-124; war in the Northwest (1785-1795), 302; (1800-1900), 559-562, 563, 566, 590.
 Indian Territory, 590.
 Indigo, culture, introduced, 98.
 Individualism, the struggle for, in America, 598, 612.
 Ingersoll, Jared, 340.
 Inns, 156, 317, 318.
 Insurance, 324.
 Internal improvements (1800-1830), 354, 355, 361.
 Inventions, notable (1752-1776), 143; (1776-1800), 323, 324; (1800-1830), 356, 357; (1830-1860), 429, 430.
 Interstate Commerce, 504, 509.
 Iowa, 387; rank (1900), 581.
 Iowa, the, 520.
 Iredell, James, 413.
 Irish, where settled, 582.
 Iron, galvanized, 430.
 Iroquois race, the, 3.
 Irving, Washington, 317, 319, 360.
 Irwinsville, Ga., 464.
 Isabella, Queen, 12.
 Island No 10, 451.
 Italians, 582.
 Iuka, 451.

J

Jackson, Andrew, 320; General, 342; at New Orleans, 343, 350, 351; Democrats, 351, 366, 367, 368; administration, 369-375; proclamation (1832), 371; and the bank, 371, 372.
 Jackson, Mich., 398.
 Jackson, "Stonewall," General, 454.
 James I. and Virginia, 32-34; 36, 37, 38.
 James II. and New York, 53, 54; and New England, 78, 79, 80; and New Jersey, 83, 84.
 James, Henry, Jr., 436.
 Jamestown, Virginia, 34, 36.
 Japan, 470.
 Java, frigate, 341.
 Jay, John, 176, 182, 220, 291; "The Federalist," 315, 413.
 Jay's treaty, 300, 301.
 Jeans, 323.
 Jefferson, Thomas, 39, 43, 167; and the Declaration of Independence, 232, 234, 235; Secretary of State, 291, 292, 293, 303; political leader, 295, 297, 302, 307-309; Vice-President, 302; President, 310; notes on Virginia, 315; political teachings, 320-322, 327, 529, 532, 533; administration, 328-336; character, 328, 329; and the Monroe doctrine, 349, and State sovereignty, 405-416.
 Jesuits, the, missionaries to the Indians, 27.
 Jewett, Sarah Orne, 436.
 Jews, in Maryland, 94.
 Johnson, Andrew, 364, 392; vice-president, 460, 461; president, 465-471.
 Johnson, Hale, 514.
 Johnson, Herschel V., 403, 404.
 Johnson, Richard M., 374, 375.
 Johnson, Sir William, 113, 121.
 Johnston, Albert S., General, 449, 450, 462, 463, 464.
 Johnston, Joseph E., General, 449, 452, 453, 454.
 "Join or Die," flag, 116.
 Joliet, Louis, 106.
 Jones, John Paul, 215, 216.
 Joseph, Louis, Marquis de Montcalm, 121-124.
 Judiciary, the early state (1776-1800), 196, 197; national, 290, 291; state (1800-1860), 421, 422; (1865-1900), 487, 488.

K

Kansas, 396-398, 399, 401, 402.
 Kansas City, 525.
 Kearney, Stephen W., 384.
 Kearsarge, the, 457, 507.
 Kent, James, 359.
 Kentucky, 103; conventions, 177, 214; admitted into the union, 295; constitutional convention (1849), 438, 439; Kentucky resolutions, 307-309, 395; application, 405, 416; rank (1830-1860), 425.
 King Philip, 6; war, 77.
 King's Chapel, 79.
 King's College, 149.
 King, Rufus, 295, 332, 336.
 King, William R., 394.
 King's Mountain, 218; rank (1790), 311; (1800), 327.

Kirkland, Ohio, 438.
 "Know-Nothings," 399.
 Knox, Henry, 291.

L

Labor Reform party (1872), 476.
 Labrador, sighted by Eric the Red, 9;
 discovered by Cabot, 15.
 Ladrones, 522.
 Lafayette, Marquis de, 208, 209, 219.
 Land cessions, 252-254.
 Land companies, early, 253.
 Land, public, 373.
 Land speculation, 422.
 Lane, Joseph, 403, 404.
 Langdon, John, 336.
 Lanier, Sidney, 436.
 La Salle, Robert de, 107-109.
 Laws of Virginia, 153.
 Law lectures, first, 313.
 Lawrence, Captain, 341.
 Lawrence, frigate, 341.
 Laws, American, 579.
 Lazarus, Emma, 436.
 Lea, Henry C., 585.
 Lecompton constitution, 401.
 Lecompton convention, 415.
 Lee, Charles, General, 212.
 Lee, Fitzhugh, 517.
 Lee, Richard Henry, 166.
 Lee, Robert E., General, 364, 403, 449, 454,
 458, 462, 463, 464.
 Legislature, the, early state (1776-1800),
 191-194; (1800-1862), 419, 420; (1865-1900),
 484-486.
 Leisler, Jacob, 54.
 Lemoyne, Francis, 376.
 Leopard, frigate, 335.
 Levering, Joshua, 514.
 Lewis, Meriweather, 331.
 Lexington, 160, 162.
 Liberty Party (Liberal Party) Conven-
 tion (1838, 1840), 376; (1843), 380; 385.
 Liberal Republicans (1872), 476.
 Lincoln, Abraham, 364; debates with
 Douglas, 401, 402; elected President,
 403, 404, 439, 440; inaugural, 441, 444; on
 the national policy (1861), 444; adminis-
 tration, 444-465; Emancipation, 458-460;
 renominated (1864), 460; second inaugu-
 ration, 461; death, 465; character, 586-
 588; ideas of government, 530, 531, 532,
 543, 544.
 Lincoln, General, 216, 219, 220.
 Lincoln, Levi, 295.
 Linens, 357.
 Liverpool, 432.
 Lithography, 357.
 Little Belt, frigate, 337.
 Livingston, Robert R., 167.
 Lockwood, Belva A., 502.
 Logan, John A., 501.
 Lombardy Poplar, 323.
 London and Plymouth Company, grants
 to, 32-34.
 Longfellow, Henry W., 359, 364, 435, 585.
 Longstreet, James, General, 452.
 Lookout Mountain, 453.
 Lords of Trade, 117.
 Louisiana, purchase, 330, 331; exploration,
 331; admitted, 340; convention (1898),
 494, 495.

Louisiana Lottery, 509.
 Louisburg, 114, 121.
 Louisville, 312, 354, 451.
 Louis XIV., 109; war of, 109.
 Louis XVI., 297.
 Lovejoy, Elijah P., 390.
 Lowell (Mass.), 357.
 Lowell, James R., 435, 585.
 Lundy's Lane, 342.
 Luzon, 523.
 Lynn, 325.

M

Macedonian, The, frigate, 341.
 Macready, 364.
 Madison, Dolly, 343.
 Madison, James, advocates a more perfect
 union, 276, 277, 281; a Republican leader,
 295, 307, 308; "The Federalist," 315;
 President, 336; war message, 336, 338;
 and the Monroe Doctrine, 349; Virginia
 resolutions, 410; ideas of government,
 537, 538.
 "Madison War," 339.
 Madison, Wis., 427.
 Magazines (1776-1800), 314, 316; (1800-1830),
 358; (1830-1860), 433, 434; (1860-1900), 585,
 586.
 Magellan, Ferdinand, 17, 18.
 Mahew, Jonathan, 154.
 Maine, 68.
 Maine, The, 518.
 Man, Albon, 584.
 Mangum, W. P., 375, 392.
 Manila, 519, 522.
 Mansfield, 357.
 Manufactures, colonial, 146, 157; (1776-
 1800), 323, 324, 325; (1800-1830), 356, 357;
 (1830-1860), 430.
 "March to the Sea," the, 463.
 Marco, Polo, 11.
 Maria Teresa, the, 520.
 Marietta, 312.
 Marion, General, 217.
 "Mark Twain," 435, 585.
 Marquette, Jacques, 106.
 Marshall, Humphrey, 392.
 Marshall, John, 295, 304, 309, 310, 365, 366.
 Martha's Vineyard, 56.
 Maryland, granted to Lord Baltimore, 92;
 the charter, 93; religious toleration, 93;
 St. Mary's settled, 94; discrimination in
 religion, 94, 95; religious sects, 93, 94;
 difficulties with Clayborne, 95; Crom-
 well, 96; the charter cancelled, 96; re-
 stored to the family of the proprietor,
 97; rank (1790), 311; (1800), 327, 495.
 Masilla Valley, 386.
 Maskokian race, the, 3.
 Mason and Dixon's Line, 89, 90; divides
 free from slave soil (1790), 311, 353.
 Mason, Captain John, 68.
 Mason, James M., 392, 453.
 Massachusetts, settlement, 59-68, 73-82;
 the revolution in, 159-167; Bill (1774),
 159; convention, 177; rank (1790), 311;
 (1800), 327; (1830-1860), 425; rank (1900),
 581.
 Matamoras, 382.
 Matchett, Charles H., 514.
 Mather, Increase, 153.
 Mather, Richard, 152.

Mayaguez, 522.
 Mayflower, The, ship, 58, 59; compact, 58, 59; on the Ohio, 253.
 McClellan, George B., General, 449, 453, 454, 458, 461.
 McCormick, Cyrus, 428.
 McCulloch, B., General, 449.
 McDonough, Commodore, 342.
 McDowell Irwin, General, 449.
 "McFingal," 154.
 McGuire, Matthew, 514.
 McKinley, William, 435; tariff, 508, 509, 511; President, 514-525; re-elected, 525.
 McLean, John, 375.
 McMaster, John B., 585.
 Meade, George B., General, 458.
 Meadville, 357.
 Medical lectures, first, 313.
 Memphis, 451, 452.
 Menendez, 24, 26.
 Merrimac, the, 454-456.
 Merrimac, the (Spanish-American war), 520.
 Methodist Episcopal Church, 323; Oregon mission, 379.
 Mexican war, 381-384.
 Mexico, 20.
 Michigan, 375; rank (1900), 581.
 Middle-of-the-Road, Populists, 525.
 Migration within the United States (1800-1900), 555-564.
 Milan decree, 333.
 Miles, General, 522.
 Mill Springs, 450.
 Mills, Roger Q., 506.
 Minneapolis, 510.
 Minuit, Peter, 48.
 Missionary Ridge, 453.
 Mississippi, admitted, 348; convention (1890), 491, 492, 493.
 Mississippi Valley, the, 571, 572.
 Missouri, admitted, 348; rank (1860), 425; (1900), 581.
 Missouri Compromise, 347, 348.
 Mitchell, D. G., 365, 435.
 Mitchell, Samuel L., 315.
 Moblion race, the, 3.
 Modocs, 590.
 Mohicans, the, 6.
 Mohawks, the, and the Dutch, 50, 51, 54, 55, 210.
 Money, Continental, 218; paper issues during the confederation, 267-280.
 Monitor, the, 455, 456.
 Monroe doctrine, the, 349, 350, 461, 504.
 Monroe, James, 334, 336; administration, 345-350.
 Montana, 508, 565.
 Matanzas (Cuba), 520.
 Montcalm, Marquis de, 121-124.
 Montejo, Admiral, 519.
 Monterey, 382.
 Montesquieu, "Spirit of Laws," 170, 171, 228, 255.
 Montgomery, Ala., 440.
 Montreal, 25; fort, 111; 124.
 Montgomery, Richard, General, 165.
 Moquis, 21, 23.
 Morgan, Daniel, General, 218.
 Mormons, the, 438.
 Morris, Robert, 283, 291.
 Morris, Thomas, 380.
 Morocco leather, 325.

Morse, Jedediah, 314.
 Morse, Samuel F. B., 429.
 Morton, Levi P., 506.
 "Mother Goose," 153.
 Motley, J. L., 365, 435, 585.
 Mowing machine, 428, 429.
 Mugwumps, 502.
 Murfreesboro, 451, 452.
 Murray, Lindley, 316.
 Murray, William Vans, 306.
 Muslin, 357.

N

Nails, 323.
 Napoleon I., 306, 330, 332, 333, 335, 336, 343, 349.
 Napoleon III., 461.
 Narvaez, 22.
 Nashua, 430.
 Nashville, 428, 462, 463, 464.
 Nashville, the, 519.
 National conventions (1831-1832), 370; (1836), 374; (1838, 1839, 1840), 376; Liberty party (1843), 380; Democrats (1844), 380; Whigs (1844), 380; Democrats (1848), 386; Whigs (1848), 386; Free Soil (1848), 386; Democrats (1852), 394; Whigs (1852), 395; Free Soil (1852), 395; American party (know nothing), 1856, 399; Democrats (1856), 399; Republicans (1856), 399; Democrats (1860), 403; constitutional union, 403; Republican, 403; Republican (1864); Radical Republican, 460; Democratic (1864), 461; (1868), 472; (1872), 476, 477; (1876), 479, 480; (1880), 499; (1884), 501, 502; (1888), 506; (1892), 510; (1896), 514, 515; (1900), 525.
 National Democratic party (1896), 515.
 National party, the (1896), 514.
 National Republicans, 351; nominations (1828), 352; election of 1828, 368.
 "National," the term, 138, 141.
 Native Americanism, 420.
 Natural rights, doctrine of, 258, 259 (see James Otis), 598-612.
 Navigation acts, in Virginia, 42; in New England, 81, 82, 126, 127.
 Navy, in the revolution, 214-216; (1812), 341-344; confederate (1861-1865), 454, 457, 458, 463; National (1861-1865), 450, 451, 452, 453, 454-458; in Spanish-American war, 519-523.
 Neal, John, 359.
 Nebraska, 396, 397, 472.
 Newburg, Washington's letter from, 278.
 Negroes (see slavery, reconstruction, suffrage).
 Neutrality, Washington's proclamation of, 297, 298; Washington's counsel on, 303.
 New Amsterdam, 48-53.
 Newark, 356.
 New England, exploration, 56; Plymouth company, 56; Captain John Smith, 56; the separatists, 57, 58; the Pilgrims, 58, 59, 60; the Mayflower, 59; settlement of Plymouth, 59; William Bradford, 60; town meeting, 60; and the Indians, 60; Captain Miles Standish, 60; Pilgrims and Puritans distinguished, 61, 62; the Massachusetts charter, 62; John Endicott, 62; Salem, 62, 63; John Winthrop,

- 63; Boston, Charleston, Roxbury, Dorchester, Watertown, 63; church fellowship, 63; the town organization, 64; education, 65; John Harvard, 65; Harvard university, 65; Rev. John Eliot, 65; Roger Williams, 66, 67, 71, 72; Anne Hutchinson, 66; Rhode Island, 66, 67; New Hampshire, 68, 69; Vermont, 69, 70; Connecticut, 70-74; Hartford, 70; the Dutch, 70; the younger Winthrop, 70; Rev. Thomas Hooker, 71; Pequot war, 72, 73; Rev. John Davenport, 72, 73; Milford, Guilford, Stamford, 73; population, 73; union of (1643), 74; the Quakers, 74-76; King Philip's war, 77; Charles II. and New England, 77, 78; James II. and New England, 78, 79; the Connecticut charter, 78, Sir Edmund Andros, 78; Joseph Dudley, 78; the Episcopal church, 79; the suffrage, 76, 79; tyranny of Andros, 79, 80; witchcraft, 80, 81; navigation acts, 81, 82.
- New Hampshire, 68, 69; conventions, 175; rank (1790), 311; (1800), 327.
- New Hampshire grants, 69; created by Charles II., 77.
- New Haven, 356.
- New Jersey, settlement, 83; divided, 83, 84; proprietors, 83, 84; Elizabethtown, 83; Byllinge and Fenwick, 83; Berkeley and Carteret, 83, 84; Salem, Burlington, 84; William Penn, 84, 85; the Indians, 84; Sir Edmund Andros, 84; convention, 175; provisional constitution (1776), 230; rank (1790), 311; (1800), 327.
- New Mexico, 385, 386, 391-394.
- New Netherland, 47-53.
- New Orleans, 124; battle of, 343, 325, 354, 428, 451; exposition, 591.
- Newspapers, colonial (1690-1776), 153; (1776-1800), 313, 314; (1800-1830), 357, 358; (1830-1860), 433, 434; (1860-1900), 585.
- New Sweden, 90, 91.
- New York, city, founded, 48, 51, 53, 149; first description of, 152; in the revolution, 206, 212, 213, 292, 354, 356, 357, 427, 428, 432, 472.
- New York, settlement, 47; East India company, 47, 48; Fort Nassau, 47, 48; Fort Orange, 48; Manhattan, 48; New Amsterdam, 48; Dutch ideals, 48-50; the Five Nations, 50; the Connecticut frontier, 50, 51; Collegiate Reformed church, 51; policy of the West India company, 51, 52; persecution for religion, 52; Peter Stuyvesant, 52, 53; the English conquest of, 53, 54; boundaries, 53; the Duke's Law, 53; Sir Edmund Andros, 53, 54; Jacob Leisler, 54; William and Mary, 53-55; convention, 176; rank (1790), 311; (1800), 327; (1830-1860), 425; rank (1900), 581.
- Niagara, 124.
- Nicholas, George, 410.
- Nicholson, Francis, 42, 43.
- Non-importation scheme, Jefferson's 334.
- Non-intercourse act, 335, 336.
- Norse, Sagas, 9.
- North Dakota, 508, 565.
- Northmen, 9.
- North Bennington, 356.
- North Carolina, provincial congress, 176; rank (1790), 311; (1800), 327; (1830), 425, 495.
- North, Lord, his five measures, 136, 137, 220.
- Northwest Territory, 253, 254.
- Norton, Charles E., 365.
- Nullification, S. C., 370 (see also State Sovereignty, under State).

O

- O'Connor, Charles, 476, 477.
- Oglethorpe, James, 99-102.
- O'Hara, General, 220.
- Ohio, settled, 253; admitted into the Union, 302, 333; rank (1800), 327; (1830-1860), 425; rank (1900), 581.
- Ohio Land Company, 253, 313.
- Oil (petroleum), discovered, 430; use begun, 584.
- Oklahoma, 591.
- Omaha, 511.
- Omnibuses, 428.
- Orders in Council, 333.
- Ordinance of 1787, 253, 254.
- Oregon, 331; claims of the nation to, 347; struggle for, 379, 380, 381; Marcus Whitman, 379, 380.
- Oregon, the, 519, 520.
- Original Package Law, 509.
- Otis, James, 129, 130, 153, 154, 258.
- Oxford, Mississippi, 451.

P

- Palo Alto, 382.
- Pacific Railroad, 403, 404.
- Pacific Slope, The, 571, 572, 573.
- Paine, Thomas, "Common Sense," 152, 155; "Age of Reason," 315.
- Packenham, General, 343.
- Panama, Isthmus of, 17.
- Pan-American Congress, 504.
- Panic (1837), 374, 375; (1873), 477, 478; (1893), 512.
- Papal line (Alexander VI), 16, 20; ignored, 30.
- Paper Mills, 356.
- Parker, Joel, 472.
- Parliament and American Taxation, 125-140.
- Palmer, John M., 515.
- Parkman, Francis, 365, 434, 585.
- Parties, political, rise of, 290-296; organization, 295; attitude toward State Sovereignty, 405-416 (see under party names, also Suffrage, Reconstruction, National Conventions).
- Patch Leather, 356.
- Patent Office, 357, 429.
- Patrons of Husbandry, 509, 510.
- Patroons, The, 48, 49, 51.
- Pavements, Wooden, 428.
- Peace Convention, 441.
- Peacock, frigate, 341.
- Pelican, frigate, 341.
- Pendleton, George H., 461.
- Pemquid, 68.
- Pemberton, J. C., General, 451, 452.
- Penn, William, 84-87.
- Pennsylvania, 85-90; William Penn, 85-87; Chester, 86; the Great Law, 86; Philadelphia, 86, 87; Benjamin Franklin, 87,

88; slavery and anti-slavery, 88: the French and Indian War, 88; disputes with the Penns, 88, 89; Mason and Dixon's Line, 89, 90; University of Pennsylvania, 90; convention, 176; rank (1790), 311; (1800), 327; (1830, 1860), 425; rank (1900), 581.
 Pennsylvania Calendar, The, 153.
 People's Party (1892), 511.
 Pequot, The, 6, 72.
 Perry, O. C., Commodore, 470.
 Perry, Oliver H., Commodore, 341.
 Perryville, 451, 452.
 Personal Liberty Bills, 388, 394.
 "Pet Banks," 372.
 "Peter Parley," 359.
 Peters, Phillis Wheatley, 315.
 Philadelphia, 86, 138, 167, 207, 283; the federal capital, 293, 311, 313, 354, 356, 364, 386, 399, 427, 430, 497, 525.
 Philip II, 30.
 Philippines, 519, 522, 523.
 Phillips, Wendell, 396.
 Pickens, General, 217.
 Pickens, F. W., 444.
 Pierce, Franklin, 394; administration, 395-399.
 Pike, Zebulon, 331.
 Pinckney, C. C., 283, 295, 310, 332, 336.
 Pinckney, Thomas, 302.
 Pilgrims, The, 58-62.
 Pins, by machinery, 430.
 Pinzon, The Brothers, 12, 15.
 Pitt, William, Earl of Chatham, 121-124; opposes the Stamp Act, 132, 142.
 Pittsburg, 115, 312, 354, 356, 357, 502.
 Pittsburg, insurrection near, 296; population in 1800, 354; 395; 514.
 Pizarro, 18.
 Plant-cutters' riot, the, 42.
 Planters, colonial, 148.
 Platforms, political party (see national conventions and under party names).
 Plattsburg, 342.
 Plymouth company, the, 56.
 Plows, 312.
 Poe, Edgar Allan, 359, 364.
 Polanders, 582.
 Polk, James K., 380; administration, 381-386.
 Polygamy, 479, 501.
 Pomeroy, Samuel C., 502.
 Pontiac, 6, 7; war, 133.
 Popham, Sir John, 56.
 Pope, John, General, 451, 454.
 Poplar, Lombardy, 323.
 Population (1776), 145; (1790), 311; (1812), 339; (1830), 353; (1860), 425; changes in (1865-1900), 488; (1900), 569.
 Populist party, 525.
 Porter, D. D., Admiral, 451, 452.
 Port Royal, settled, 26.
 Porto Rico, 520, 522, 523, 524.
 Portsmouth, 69.
 Postage, 437, 438.
 Postal cards, 589.
 Postal service, colonial, 156, 157; (1776-1800), 317, 325; (1800-1830), 363; (1830-1860), 431, 438; (1860-1900), 589.
 Postage stamps, 325, 437, 438.
 Portugal, voyages inaugurated by, 15, 16.
 Preble, Commodore, 330.
 Prescott, William, Colonel, 164.

Prescott, W. H., 365, 434.
 Presque Isle, 114, 124.
 Price, Sterling, General 449, 451.
 Prince of Parthia, the, 153.
 Princeton, 149.
 Printing press, cylinder, 429.
 Proclamation line, 7.
 Prohibition party (1872), convention, 476; (1876), 479; (1880), 499; (1884), 502; (1888), 505; (1892), 511; (1896), 514; (1900), 525.
 Providence, 430.
 Ptolemy, 11; computes circumference of the earth, 11.
 "Public Occurrences," first American newspaper, 153.
 Punishments, 364.
 Puritans, the, in New England, 61-65; in Maryland, 94, 96.
 Putnam, Rufus, General, 253.

Q

Quakers, the, and the Dutch, 52; in New England, 74-76; in New Jersey, 83-85; in Maryland, 94, 96; the Carolinas, 98, 189.
 Quebec, founded, 26; fort, 111, 118, 121; fall, 122-124; province of, 131; act, 137.
 Queensware, 356.
 Quincy, Josiah, 154, 339.

R

Railroads (1830), 354, 355, 362; (1830-1860), 430-432; (1860-1900), 584, 589; (Northern) Pacific, advocated, 399, 403, 404; Pacific begun, 590.
 Raleigh, Sir Walter, efforts to colonize Virginia, 31, 32.
 Randolph, Edmund, 291, 295.
 Reaping machine, 428, 429.
 "Reconcentrados," 516.
 Reconstruction (1865-1876), 467-481; (1876-1880), 497-499; the States (1865-1900), 482-496; the suffrage, 491-496; 542-554.
 Redemptioners, 145.
 Reed, Thomas B., 507.
 Reid, Whitelaw, 510, 523.
 Republicans (Democrats, 1792), 295; 296-301; election (1796), 302, 303; (1797-1801), 304-310, election (1804), 332; (1808), 336; (1812), 340; (1816), 345; (1824), 350; (1884), 501.
 Republican party, founded, 398; national convention (1860), 399; national conventions (1864), 460; Radical Republicans (1864), 460; (1868), 472; (1872), 477; (1876), 479; (1880), 499; (1888), 506; (1892), 510; (1896), 514; (1900), 525.
 Representation (1865-1900), 484, 491-496.
 Resaca de la Palma, 382.
 Resumption (1875), 478, 479, 498, 499.
 Revere, Doctor, 357.
 Revolver, the 428.
 Rhode Island, 66, 67, 73, 74, 75; becomes a state, 177; case of Trevett vs. Weedon, 262, 263; rank (1790), 311; (1800), 327; 496.
 Rhodes, James F., 585.
 Riban, Jean, 26.
 Rice, East India, culture of, introduced, 98.
 Richmond, 449, 462, 463, 465.
 Ripon, Wis., 398.
 Rivers, influence of in American history, 574-579.

Roads (1776-1800), 317, 318.
 Robertson, James, 214.
 "Rock of Chickamauga," the, 452.
 Rolfe, John, 36.
 Roosevelt, Theodore, 521, 525.
 Rosecrans, W. S., General, 451, 452.
 Ross, General, 342.
 Rough-Riders, 521.
 Roxbury, 63.
 Rubber, 428.
 Rush, Benjamin, 315, 316.
 Rush, Richard, 352.
 Russell, Earl, 453.
 Russell, John, 476.
 Russia, 347, 445, 470.
 Rutledge, John, 131.

S

Sacramento, 427.
 Sail-cloth, 356.
 Salem, 62, 66, 159, 356.
 Salt, 324.
 Salt Lake, 438.
 Sampson, Admiral, 520.
 San Francisco, 308, 427, 502.
 San Jacinto, 453.
 San Juan Hill, 521.
 Santa Anna, General, 382.
 Santa Fe, 385.
 Santiago, 522.
 Savannah, 101, 216, 432.
 Savannah, The, 432, 464.
 Sawyer, William E., 584.
 Scandinavians, 582.
 Schenck, Robert C., 392.
 Schley, W. S., Admiral, 520.
 Schools in Colonial Times, 148, 149; in the Northwest Territory, 254; system of free begun, 313; (1800-1830), 360, 361, 423, 424; (1830-1860), 433; North and South (1840), 439; comparative migration to, 555, 567.
 Schuyler, General, 210.
 Schofield, J. M., General, 464.
 School Lands, 489.
 Scioto Company, The, 253.
 Scott, Winfield, 319; General, 342, 382, 384, 395, 453.
 Scranton, 427.
 Screws, wooden, 430.
 Seabury, Samuel, 154.
 Secession (1811), 339; of South Carolina, 439, 440; Lincoln on, 444.
 Sedition Act, 306-308.
 Semmes, Raphael, Captain, 458.
 Seneca Long-House, 3.
 Separatists, The, 57, 58, 61.
 Sergeant, John, 370.
 Serapis, The, 215.
 Seven Cities of Cibola, 23.
 Sewall, Samuel, 153.
 Eward, W. H., 305, 392, 393, 454.
 Sewer-pipes, 356.
 Sewing Machine, 429.
 Sewing Silk, 357.
 Seymour, Horatio, 472.
 Shafter, General, 522.
 Shakespeare, William, "The Tempest," based on William Strachey's "Reper-tory, etc.," 152.
 Shannon, frigate, 341.
 Shay's Rebellion, 278.
 Sheet-copper, 356.

Shenandoah, The, 457.
 Sheridan, Philip H., 462, 464.
 Sherman Act, 508.
 Sherman, John, 499, 508.
 Sherman, W. T., General, 365, 452, 462, 463, 464.
 Sherman, Roger, 167.
 Shiloh, 450.
 Sigourney, Lydia H., 359.
 Silk, culture of, 100, 101.
 Silver (money), 478; demonetization, 497; Sherman Act, 508; issue (1896), 515.
 Silver Party (1896), 515.
 Simms, William G., 359, 365, 434.
 Sing Sing, 364.
 Sinking Fund, 423.
 Sioux, The, 3.
 Sirius, The, 432.
 Six Nations, 117.
 Slavery, introduced into Virginia, 37; in Georgia, 100, 101, 102; in Colonial America, 145, 149; in Northwest Territory, 254; in Southwest Territory, 254; fugitive slave law (1792), 294; extent (1790), 311; effect of cotton gin on, 312; (Texas), 379, 382; (California), 385, 386, 387; agitation (1848-1860), 388-404; and State Sovereignty, 405-416; effect on industry, north and south (1840), 438, 439; emancipation, 458-460.
 Slaves, number (1790), 311.
 Slater, Samuel, 323.
 Slates, for schools, 356.
 Sleeping-Cars, 432.
 Slidell, John, 453.
 Smith, Green C., 479.
 Smith, Captain John, in Virginia, 34, 35; explores New England, 56, 57; his "True Relation of Virginia" (1608), 152.
 Smith, Joseph, 438.
 Socialists, 525.
 Social Democrats, 525.
 Socialist Labor party (1896), 514; (1900), 525.
 Socialization, growth of, in America, 598-612.
 Sons of Liberty, 129, 151.
 Soto, Ferdinand de, 23, 24.
 South Carolina, conventions, 175; rank (1790), 311; (1800), 327; nullification, 370, 371; rank (1830), 425; secession of, 439, 440; declaration of causes and address (1800), 442-444; convention (1895), 493; convention (1868), 546, 547.
 South Dakota, 508, 505.
 Southgate, T. H., 514.
 Sovereignty, state, 189, 369; development of the idea (1776-1860), 405-416; residuary, 412.
 Spain, discovery of America, 12-19; conquest of America, 20-24; treatment of Cuba, 516-519; at war with the United States, 519-523.
 Spanish American war, 516-523.
 "Specie circular," 374.
 Specie payments, act for, 478, 498, 499.
 Speculation (1800-1830), 355, 368.
 Spottsylvania, 462.
 Stamp Act, 128-132, 141.
 Standish, Miles, 59, 60.
 Stanton, E. M., 471.
 Star of the West, the, 440, 445.
 Stark, John, Colonel, 209.

- "Stars and Stripes," 210.
 States, first organization (1776-1800), 168-173; New Jersey, constitution (1776), 173-175; New Hampshire, 175; Virginia, 175; Pennsylvania, 175; South Carolina, 175; Delaware, 175; North Carolina, 176; Georgia, 176; New York, 176; Connecticut, 177; Rhode Island, 177; Kentucky, 177; Tennessee, 177, 178; Bills of Rights, 186-191; the legislatures, 191-195; the executive, 195-196; the judiciary, 196-198; administration, 198; the suffrage, 199, 200; later constitutions, 201, 202; rank in (1800), 353; in (1830), 354; in (1860), 425; constitutional development (1800-1860), 417-424; constitutional development (1860-1900), 482-496; acquisition of population, 555-567, 582, 583.
 St. Augustine, 24, 26.
 St. Clair, Arthur, General, 302.
 Steam navigation, 324 (1800-1830), 361, 432.
 Steam Power, 430.
 Steamship, first transatlantic, 432.
 Stedman, E. C., 436.
 Steel squares, 356.
 Stephens, Alexander H., 392, 440.
 Stereotyping, 356.
 Steuben, Baron, 212.
 Stevens, Thaddeus, 392.
 Stevenson, Adlai E., 510, 525.
 Stewart, G. T., 479.
 St. John, John P., 502.
 St. Leger, Barry, Colonel, 210.
 St. Louis, 480, 505.
 St. Mary's, Md., 94.
 Stockton, Commodore, 385.
 Stockton, Frank R., 436.
 Stone River, 452.
 Stony Point, 213.
 Stow, Marietta L., 502.
 Stowe, Harriet Beecher, 365, 396, 434.
 St. Peter's Church, New York City, 323.
 Strachey, William, his "True Repertory," etc., 152.
 Straw Braid, 325.
 Straw Paper, 357.
 Strikes, 598.
 Sunday schools, 323.
 Suffrage, the, in colonial times, 150, 151; early state (1776-1800), 198-201, 266; extension opposed by the Federalists, 321; extension favored by the Democrats, 322; (1800-1860), 418, 419, 420; at the South (1865-1900), 491-496, 543-550; in Colorado, Texas, Rhode Island, Utah, 496; struggle for (1789-1900), 527-554; negro, 459, 460, 467, 469, 473, 482, 491-496, 539, 540, 543-549; woman, 540-542, 549-553.
 Sumner, Charles, 364, 416.
 Sumpter, the, 458.
 Sumter, General, 217.
 Sutter, Captain, 390, 391.
 Swedes, the, on the Delaware, 90.
 Syracuse, 312, 324.
 T
 Tallahassee, the, 458.
 Tampa, 521.
 Taney, Roger B., 367, 372, 400 (Dred Scott).
 Tariff, proposed in 1783, 273-276; divides political parties (1816), 344; of abominations, 352, 357; (1828), 369; (1832), 370, 501, 506; McKinley, 508, 509, 511; Wilson, 513; Dingley, 515; Porto Rico, 524.
 Tarleton, Banastre, Colonel, 218.
 Taylor, Bayard, 365, 434.
 Taylor, John, 410.
 Taylor, Zachary, 319, 382, 383, 386, 387, 394.
 Taxation, of the colonies proposed, 125-140; (1861-1865), 448.
 Tea-Parties, 136.
 Tecumseh, 337.
 Telegraph, The, 429.
 Telephone, 584.
 Temperance Movement, 364.
 Tennessee, 99 (Frankland, Wautauga); convention, 177, 178, 214; admitted into the Union, 302; rank (1790), 311; (1800), 327.
 Tennessee, The, 463.
 Tennessee Centennial, 591.
 Tenure of Office Act, 471.
 Texas, 346, 347; annexation, 379, 381, 382, 386, 387; in compromise of 1850, 391, 394, 496; rank (1900), 581.
 Thaxter, Celia L., 436.
 Theatre, The, 363, 364, 428.
 Thomas, George H., General, 450, 452, 463, 471.
 Thompson, A. M., 499.
 Thompson, Jacob, 392.
 Thurman, Allen G. 506.
 Ticonderoga, 124.
 Tilden, S. J., 480.
 Tiles, 356.
 Tippecanoe, 337.
 "Tippecanoe and Tyler Too," 376, 377.
 Titusville, 430.
 Tools, mechanics', 356; machinists', 430.
 Toombs, Robert, 392.
 Topeka, 398.
 Tories, The, 166, 213.
 Toscanelli, 11.
 Town, The, in New England, 64.
 Townsend, Charles, Acts, The, 134.
 Trade, (see navigation acts); colonial, 144.
 Trades, 318, 319.
 Transportation, Colonial, 144; (1776-1800), 317, 318; (1800-1830), 354, 355, 361, 362; (1830-1860), 430, 431, 432, 433.
 Travel, 156, 317, 318; (1800-1830), 361.
 Treasury Notes, 478.
 Treaty of Utrecht (1713), 110; of 1763, 124, 125, 126; with France (1778), 212; of 1783, 220, 221; Netherlands (1782), Sweden (1783), Prussia (1785), Morocco (1787), 251; with France, 297; Jay's Treaty, 300, 301; with Spain (1795), 301; of Greenville (1795), 302; Barbary Powers, 330; of Ghent, 343, 346; 1819 (Florida), 346; of Washington (1842), 378; (1846), 381; Mexican (1848), 386; Mexican (1853), 386; China (1868), 470; Japan (1854), 470; England (1871), 475.
 Trent Affair, The, 453.
 Trenton, 207, 208, 324.
 Trevett vs. Weeden, 262.
 "Triangle, The," Erie county, Pa., 252.
 Trumbull, Jonathan, 154, 315.
 Trunk Lines, 432.
 Tubing, wrought-iron, 430.
 Tuscatoras, The, 6, 99.

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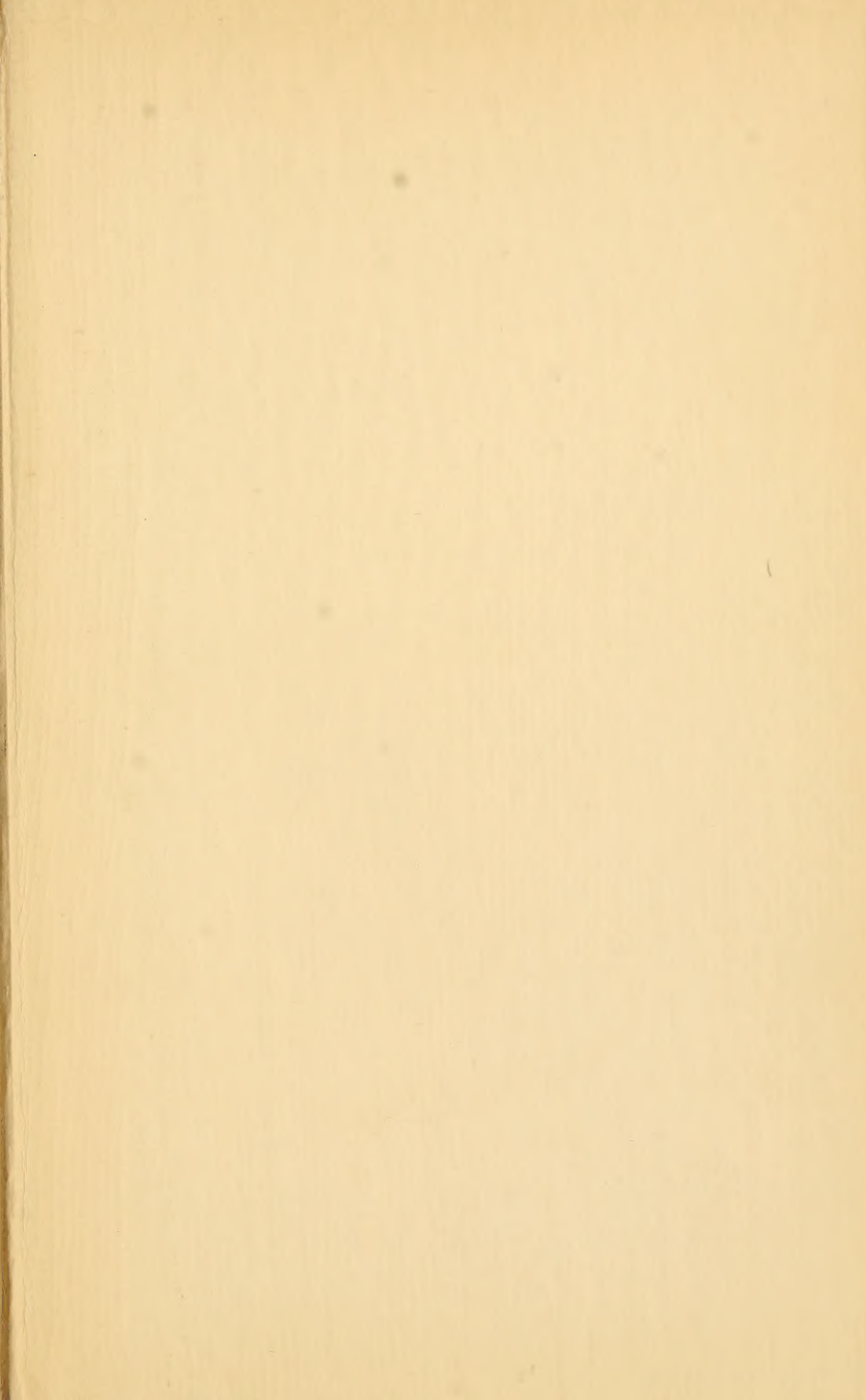
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